

By the Committee on Corrections and Representative
Trovillion

1 A bill to be entitled
2 An act relating to the state correctional
3 system; amending s. 20.315, F.S., relating to
4 the organization of the Department of
5 Corrections; revising language related to
6 provision of programs; ensuring that the rights
7 of crime victims are met; authorizing the
8 secretary to appoint assistant secretaries,
9 directors, and other staff necessary to
10 accomplish the mission and goals of the
11 department; designating specific areas of
12 program responsibility with operational
13 oversight or direct management and supervision;
14 requiring the department to plan and administer
15 community corrections and security and
16 institutional operations through regions;
17 deleting reference to a specific number and
18 configuration of regions; deleting reference to
19 regional directors and the appointment of
20 division directors; deleting reference to
21 specific offices within regions; deleting
22 reference to four district budget entities for
23 the purpose of submitting a legislative budget
24 request; authorizing the department to
25 transfer, as necessary, funds among budget
26 entities as designated by the Executive Office
27 of the Governor; deleting reference to regional
28 budget requests; amending s. 944.10, F.S.;
29 relating to contracts to provide inmate labor
30 and services for certain projects; limiting the
31 authority of the department to contract with

1 governmental entities for only the provision of
2 site acquisition or preparation, management, or
3 construction of such projects; amending s.
4 944.31, F.S.; removing the responsibility for
5 inmate grievances from the office of the
6 inspector general; amending s. 944.331, F.S.;
7 requiring the office of general counsel to be
8 responsible for oversight of inmate grievance
9 procedures; amending s. 944.40, F.S.;
10 prohibiting escape or attempted escape by
11 inmates in private correctional facilities
12 under contract with the state, a county, or a
13 municipality; providing penalties; creating s.
14 944.8031, F.S.; relating to inmate's family
15 visitation services and programs; providing
16 legislative intent; requiring the department to
17 provide certain minimum services and programs
18 for persons visiting inmates; requiring the
19 secretary to submit legislative budget requests
20 necessary to improve the quality and frequency
21 of family visits and improve visitation
22 services and programs; amending s. 945.215,
23 F.S., relating to the Inmate Welfare Trust
24 Fund; requiring such funds to be used for
25 visitation and family programs and services;
26 requiring funds from vending machines used by
27 visitors to go into the fund; transferring the
28 contract for the Gadsden Correctional
29 Institution from the Department of Corrections
30 to the Correctional Privatization Commission;
31 requiring the department to conduct a study on

1 performance-based program budgeting issues in
2 collaboration with the Office of Program Policy
3 Analysis and Government Accountability and
4 staff from the Senate and the House of
5 Representatives; requiring the department to
6 submit a report by October 1, 1999; requiring
7 the Statutory Revision Division of the Office
8 of Legislative Services to change the term
9 "superintendent" to the term "warden" in
10 numerous sections of Florida Statutes related
11 to the Department of Corrections; providing an
12 effective date.

13

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

15

16 Section 1. Paragraph (f) of subsection (1) of section
17 20.315, Florida Statutes, 1998 Supplement, is amended,
18 paragraph (k) is added to said subsection, and subsections (3)
19 and (4), paragraph (b) of subsection (6), and subsection (7)
20 of said section are amended, to read:

21 20.315 Department of Corrections.--There is created a
22 Department of Corrections.

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

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

1 (k) To ensure that the rights of crime victims are
2 recognized and met, including the need for victims to have
3 timely notification of inmate releases and escapes.

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

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

20 (b) The secretary shall appoint a general counsel and
21 an inspector general, who are exempt from part II of chapter
22 110 and are included in the Senior Management Service.

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

29 1. Security and Institutional Operations, Management
30 responsible for providing inmate work, ~~offender programs,~~
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1 security administration, emergency operations response, and
2 operational oversight of technical assistance to the regions.

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

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

16 ~~3.(f) The secretary shall appoint an Assistant~~
17 ~~Secretary for Community Corrections, responsible for~~
18 coordination of community alternatives to incarceration and
19 operational oversight of the regions.

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

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

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

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

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

- 24 ~~1. Administration.~~
- 25 ~~2. Community Corrections.~~
- 26 ~~3. Executive Services.~~
- 27 ~~4. Security and Institutional Management.~~
- 28 ~~5. Health Care Administration.~~
- 29 ~~6. Education and Job Training.~~

30 (6) FLORIDA CORRECTIONS COMMISSION.--

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

- 1 1. Recommend major correctional policies for the
2 Governor's approval, and assure that approved policies and any
3 revisions thereto are properly executed.
- 4 2. Periodically review the status of the state
5 correctional system and recommend improvements therein to the
6 Governor and the Legislature.
- 7 3. Annually perform an in-depth review of
8 community-based intermediate sanctions and recommend to the
9 Governor and the Legislature intergovernmental approaches
10 through the Community Corrections Partnership Act for planning
11 and implementing such sanctions and programs.
- 12 4. Perform an in-depth evaluation of the annual budget
13 request of the Department of Corrections, the comprehensive
14 correctional master plan, and the tentative construction
15 program for compliance with all applicable laws and
16 established departmental policies. The commission may not
17 consider individual construction projects, but shall consider
18 methods of accomplishing the department's goals in the most
19 effective, efficient, and businesslike manner.
- 20 5. Routinely monitor the financial status of the
21 Department of Corrections to assure that the department is
22 managing revenue and any applicable bond proceeds responsibly
23 and in accordance with law and established policy.
- 24 6. Evaluate, at least quarterly, the efficiency,
25 productivity, and management of the Department of Corrections,
26 using performance and production standards developed by the
27 department ~~under subsection (18)~~.
- 28 7. Provide public education on corrections and
29 criminal justice issues.
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1 8. Report to the President of the Senate, the Speaker
2 of the House of Representatives, and the Governor by November
3 1 of each year.

4 (7) DEPARTMENTAL BUDGETS.--

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

10 1. ~~Department Administration.~~

11 2. ~~Department Operations.~~

12 3. ~~Health Services.~~

13 4. ~~Education and Job Training.~~

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

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

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

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

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

17 944.10 Department of Corrections to provide buildings;
18 sale and purchase of land; contracts to provide services and
19 inmate labor.--

20 (7) The department may enter into contracts with
21 federal, state, or local governmental entities or subdivisions
22 to provide services and inmate labor for the construction of
23 buildings, parks, roads, any detention or commitment
24 facilities, or any other project deemed to be appropriate by
25 the Department of Corrections, which includes ~~may include, but~~
26 ~~is not limited to, the planning, design, site acquisition or~~
27 preparation, management, or construction of such projects. The
28 department may charge fees for providing such services. All
29 fees collected must be placed in the Correctional Work Program
30 Trust Fund.

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1 Section 3. Section 944.31, Florida Statutes, is
2 amended to read:

3 944.31 Inspector general; inspectors; power and
4 duties.--The inspector general shall be responsible for prison
5 inspection and investigation, internal affairs investigations,
6 ~~inmate grievances,~~and management reviews. The office of the
7 inspector general shall be charged with the duty of inspecting
8 the penal and correctional systems of the state. The office of
9 the inspector general shall inspect each correctional
10 institution or any place in which state prisoners are housed,
11 worked, or kept within the state, with reference to its
12 physical conditions, cleanliness, sanitation, safety, and
13 comfort; the quality and supply of all bedding; the quality,
14 quantity, and diversity of food served and the manner in which
15 it is served; the number and condition of the prisoners
16 confined therein; and the general conditions of each
17 institution. The office of inspector general shall see that
18 all the rules and regulations issued by the department are
19 strictly observed and followed by all persons connected with
20 the correctional systems of the state. The office of the
21 inspector general shall coordinate and supervise the work of
22 inspectors throughout the state. The inspector general and
23 inspectors may enter any place where prisoners in this state
24 are kept and shall be immediately admitted to such place as
25 they desire and may consult and confer with any prisoner
26 privately and without molestation. The inspector general and
27 inspectors shall be responsible for criminal and
28 administrative investigation of matters relating to the
29 Department of Corrections. In such investigations, the
30 inspector general and inspectors may consult and confer with
31 any prisoner or staff member privately and without molestation

1 and shall have the authority to detain any person for
2 violations of the criminal laws of the state. Such detention
3 shall be made only on properties owned or leased by the
4 department, and the detained person shall be surrendered
5 without delay to the sheriff of the county in which the
6 detention is made, with a formal complaint subsequently made
7 against her or him in accordance with law.

8 Section 4. Section 944.331, Florida Statutes, is
9 amended to read:

10 944.331 Inmate grievance procedure.--The department
11 shall establish by rule an inmate grievance procedure which
12 shall conform to the Minimum Standards for Inmate Grievance
13 Procedures as promulgated by the United States Department of
14 Justice pursuant to 42 U.S.C. s. 1997e. The office of general
15 counsel shall be responsible for oversight of the grievance
16 procedures established by the department.

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

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

30 Section 6. Section 944.8031, Florida Statutes, is
31 created to read:

1 944.8031 Inmate's family visitation; legislative
2 intent; minimum services provided to visitors; budget
3 requests.--

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

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

14 (a) Information relating to applicable visiting
15 regulations, dress codes, and visiting procedures.

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

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

20 (d) Minimal equipment and supplies which assist staff
21 and visitors in managing and occupying the time and meeting
22 the needs of children and youth visitors.

23 (3) Upon determining any deficiencies and barriers to
24 the effective and efficient operation of the department's
25 visitation program and services, the secretary shall submit
26 annual budget requests identifying capital improvements,
27 staffing, and programmatic needs necessary to improve the
28 quality and frequency of family visits and the visitation
29 program and services.

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1 Section 7. Paragraphs (a), (b), and (c) of subsection
2 (1) of section 945.215, Florida Statutes, 1998 Supplement, are
3 amended to read:

4 945.215 Inmate welfare and employee benefit trust
5 funds.--

6 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
7 CORRECTIONS.--

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

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

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

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

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

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

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1 c. The department receives the contracted telephone
2 commissions.

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

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

11 6. All proceeds from:

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

14 b. Disciplinary fines imposed against inmates;

15 c. Forfeitures of inmate earnings; and

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

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

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

27 1. To operate inmate canteens and vending machines,
28 including purchasing items for resale at inmate canteens and
29 vending machines; employing personnel and inmates to manage,
30 supervise, and operate inmate canteens and vending machines;
31 and covering other operating and fixed capital outlay expenses

1 associated with operating inmate canteens and vending
2 machines;

3 2. To employ personnel to manage and supervise the
4 proceeds from telephone commissions;

5 3. To develop, implement, and maintain the medical
6 copayment accounting system;

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

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

20 6. To provide for expenses associated with various
21 inmate clubs;

22 7. To provide for expenses associated with legal
23 services for inmates;

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

29 (c) The Legislature shall annually appropriate the
30 funds deposited in the Inmate Welfare Trust Fund. It is the
31 intent of the Legislature that total annual expenditures for

1 providing literacy programs, vocational training programs, and
2 educational programs exceed the combined total annual
3 expenditures for operating inmate chapels, faith-based
4 programs, visiting pavilions, visiting services and programs,
5 family services and programs, libraries, and law libraries,
6 covering expenses associated with inmate clubs, and providing
7 inmate substance abuse treatment programs and transition and
8 life skills training programs.

9 Section 8. (1) No later than July 1, 1999, the
10 Gadsden Correctional Institution, currently operated under a
11 contract between the Department of Corrections and the
12 Corrections Corporation of America pursuant to ss.
13 944.710-944.72, Florida Statutes, shall be transferred to the
14 Correctional Privatization Commission created in chapter 957,
15 Florida Statutes.

16 (2) Upon the expiration of the current contract for
17 the Gadsden Correctional Institution, the Correctional
18 Privatization Commission shall rebid for the operation of the
19 facility based upon needs as determined by the Legislature.

20 Section 9. (1) The Department of Corrections is
21 directed to develop program areas, outcome measures, and
22 output measures as part of performance-based program budgeting
23 requirements pursuant to s. 216.0166, Florida Statutes.

24 (2) As part of an anticipated reorganization of the
25 department resulting from legislation passed in the 1999
26 legislative session, the department shall perform a study to
27 determine the extent to which reorganization of the department
28 will affect its performance-based program budgeting efforts.
29 Such a study is intended to produce a redetermination of
30 current program areas, outcome measures, and output measures
31 under the realignment and reorganization efforts of the

1 department. As part of this study, the department shall
2 participate in meetings with staff from the Office of Program
3 Policy Analysis and Government Accountability and staff from
4 the appropriate substantive and fiscal committees of the
5 Senate and the House of Representatives.

6 (3) The department shall submit a report of the study
7 required in subsection (2) to the President of the Senate and
8 the Speaker of the House of Representatives by October 1,
9 1999.

10 Section 10. In editing manuscript for the next edition
11 of the official Florida Statutes, the Division of Statutory
12 Revision of the Office of Legislative Services shall change
13 "superintendent" to "warden" wherever the same appears in ss.
14 110.205, 112,531, 121.0515(2)(c), 790.001, 922.052, 922.11,
15 922.12, and 922.15, Florida Statutes, and chapters 944, 945,
16 946, and 947, Florida Statutes, and the term "superintendent"
17 in s. 112.3145(1)(b)4., Florida Statutes, as it relates to
18 corrections, training, treatment, or rehabilitation.

19 Section 11. This act shall take effect upon becoming
20 law.

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23 HOUSE SUMMARY

24 Provides for the reorganization of the Department of
25 Corrections. See bill for details.
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