

By Representative Melvin

1 A bill to be entitled
2 An act relating to the Department of
3 Corrections; amending s. 20.315, F.S.;
4 abolishing the Florida Corrections Commission;
5 amending s. 944.8041, F.S., to conform;
6 providing an effective date.

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

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10 Section 1. Section 20.315, Florida Statutes, is
11 amended to read:

12 20.315 Department of Corrections.--There is created a
13 Department of Corrections.

14 (1) PURPOSE.--The purpose of the Department of
15 Corrections is to protect the public through the incarceration
16 and supervision of offenders and to rehabilitate offenders
17 through the application of work, programs, and services. The
18 goals of the department shall be:

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

21 (b) To ensure that inmates work while they are
22 incarcerated and that the department makes every effort to
23 collect restitution and other monetary assessments from
24 inmates while they are incarcerated or under supervision.

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

27 (d) To provide a safe and humane environment for
28 offenders and staff in which rehabilitation is possible. This
29 should include the protection of the offender from
30 victimization within the institution and the development of a
31 system of due process, where applicable.

1 (e) To provide appropriate supervision for offenders
2 released on community supervision, based on public safety
3 risks and offender needs, and, in conjunction with the
4 judiciary, public safety agencies, and local communities,
5 develop safe, community-based alternatives.

6 (f) To provide programs, which may include academic,
7 vocational, and treatment, to incarcerated offenders and
8 supervised offenders which will prepare them for occupations
9 available in the community.

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

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

14 (i) To provide the level of security in institutions
15 commensurate with the custody requirements and management
16 needs of inmates.

17 (j) To ensure that the rights and needs of crime
18 victims are recognized and met, including the need for the
19 victim to be timely notified of the release or escape of an
20 inmate.

21 (2) LEGISLATIVE INTENT.--It is the intent of the
22 Legislature that:

23 (a) The department focus its attention on the removal
24 of barriers that could prevent the inmate's successful return
25 to society while supervising and incarcerating offenders at a
26 level of security commensurate with the danger they present to
27 the public.

28 (b) The department work in partnership with
29 communities in the construction of facilities and the
30 development of programs to offenders.

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1 (c) The department develop a comprehensive program for
2 the treatment of youthful offenders and other special needs
3 offenders committed to the department, including female,
4 elderly, and disabled offenders.

5 (d) The department pursue partnerships with other
6 governmental entities and private industry for the purpose of
7 furthering mutual goals and expanding work and educational
8 opportunities for offenders.

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

22 (a) The secretary shall appoint a deputy secretary.
23 The deputy secretary shall be directly responsible to the
24 secretary and shall serve at the pleasure of the secretary.

25 (b) The secretary shall appoint a general counsel and
26 an inspector general, who are exempt from part II of chapter
27 110 and are included in the Senior Management Service.

28 (c) The secretary may appoint assistant secretaries,
29 directors, or other such persons that he or she deems are
30 necessary to accomplish the mission and goals of the
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1 department, including, but not limited to, the following areas
2 of program responsibility:

3 1. Security and institutional operations, which shall
4 provide inmate work programs, offender programs, security
5 administration, emergency operations response, and operational
6 oversight of the regions.

7 2. Health services, which shall be headed by a
8 physician licensed under chapter 458 or an osteopathic
9 physician licensed under chapter 459, or a professionally
10 trained health care administrator with progressively
11 responsible experience in health care administration. This
12 individual shall be responsible for the delivery of health
13 services to offenders within the system and shall have direct
14 professional authority over such services.

15 3. Community corrections, which shall provide for
16 coordination of community alternatives to incarceration and
17 operational oversight of community corrections regions.

18 4. Administrative services, which shall provide budget
19 and accounting services within the department, including the
20 construction and maintenance of correctional institutions,
21 human resource management, research, planning and evaluation,
22 and technology.

23 5. Program services, which shall provide for the
24 direct management and supervision of all departmental
25 programs, including the coordination and delivery of education
26 and job training to the offenders in the custody of the
27 department.

28 (4) REGIONS.--The department shall plan and administer
29 its program of services for community corrections, security,
30 and institutional operations through regions.

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1 (5) ANNUAL REPORTING.--The department shall report
2 annually to the Governor, the President of the Senate, and the
3 Speaker of the House of Representatives recounting its
4 activities and making recommendations for improvements to the
5 performance of the department.

6 ~~(6) FLORIDA CORRECTIONS COMMISSION.--~~

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

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

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

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

7 ~~1. The awarding of contracts by the department.~~

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

14 ~~3. The selection by the department of a county for a~~
15 ~~specific project.~~

16 ~~4. The selection by the department of a specific~~
17 ~~location for a correctional facility.~~

18 ~~5. The employment, promotion, demotion, suspension,~~
19 ~~transfer, or discharge of any departmental personnel.~~

20 ~~6. The enforcement of minimum standards for any county~~
21 ~~or municipal detention facility.~~

22 ~~(d)1. The chair of the commission shall be selected by~~
23 ~~the members for a term of 1 year.~~

24 ~~2. The commission shall hold a minimum of four regular~~
25 ~~meetings annually, and other meetings may be called by the~~
26 ~~chair upon giving at least 7 days' notice to all members and~~
27 ~~the public pursuant to chapter 120. Meetings may also be held~~
28 ~~upon the written request of at least four members, upon at~~
29 ~~least 7 days' notice of such meeting being given to all~~
30 ~~members and the public by the chair pursuant to chapter 120.~~
31 ~~Emergency meetings may be held without notice upon the request~~

1 ~~of all members. The meetings of the commission shall be held~~
2 ~~in the central office of the Department of Corrections in~~
3 ~~Tallahassee unless the chair determines that special~~
4 ~~circumstances warrant meeting at another location.~~

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

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

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

1 ~~(f) Members of the commission are entitled to per diem~~
2 ~~and travel expenses pursuant to s. 112.061.~~

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

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

12 (6)~~(7)~~ DEPARTMENTAL BUDGETS.--

13 (a) The secretary shall develop and submit annually to
14 the Legislature a comprehensive departmental budget request.

15 (b) The department shall revise its budget entity
16 designations to conform to the budget entities designated by
17 the Executive Office of the Governor under s. 216.0235. The
18 department, consistent with chapter 216, may transfer, as
19 necessary, funds and positions among budget entities to
20 realign appropriations with the revised budget entity
21 designations. Such authorized revisions must be consistent
22 with the intent of the approved operating budget. The
23 department shall periodically review the appropriateness of
24 the budget entity designations and the adequacy of its
25 delegated authority to transfer funds between entities and
26 submit the reviews to the Governor's Office of Planning and
27 Budget. To fulfill this responsibility, the secretary shall
28 have the authority to review, amend, and approve the annual
29 budget requests of all departmental activities.

30 (7)~~(8)~~ PLACEMENT OF OFFENDERS.--The department shall
31 classify its programs according to the character and range of

1 services available for its clients. The department shall place
2 each offender in the program or facility most appropriate to
3 the offender's needs, subject to budgetary limitations and the
4 availability of space.

5 (8)~~(9)~~ DISCHARGE FROM COMMITMENT.--When the law grants
6 to an agent, officer, or administrator of the Department of
7 Corrections the authority to make a discharge from commitment,
8 such authority shall be vested in the Secretary of Corrections
9 or in any agent who, in his or her discretion, the secretary
10 may authorize.

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

24 (10)~~(11)~~ SINGLE INFORMATION AND RECORDS SYSTEM.--There
25 shall be only one offender-based information and records
26 system maintained by the Department of Corrections for the
27 joint use of the department and the Parole Commission. This
28 data system is managed through the Justice Data Center, which
29 is hereby transferred to the department under this act
30 pursuant to a type two transfer authorized under s. 20.06(2).
31 The department shall develop and maintain, in consultation

1 with the Criminal and Juvenile Justice Information Systems
2 Council under s. 943.08, such offender-based information
3 system designed to serve the needs of both the department and
4 the Parole Commission. The department shall notify the
5 commission of all violations of parole and the circumstances
6 thereof.

7 (11)~~(12)~~ TRANSFER OF AUTHORITY.--All statutory
8 functions of the department not otherwise herein assigned to a
9 specific unit of the department are assigned generally to the
10 department and may be allocated and reallocated by the
11 secretary to an authorized unit of the department.

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

20 Section 2. Section 944.8041, Florida Statutes, is
21 amended to read:

22 944.8041 Elderly offenders; annual review.--For the
23 purpose of providing information to the Legislature on elderly
24 offenders within the correctional system, ~~the Florida~~
25 ~~Corrections Commission~~ and the Correctional Medical Authority
26 shall ~~each~~ submit annually a report on the status and
27 treatment of elderly offenders in the state-administered and
28 private state correctional systems, as well as such
29 information on the River Junction Correctional Institution.
30 In order to adequately prepare the report ~~reports~~, the
31 Department of Corrections and the Correctional Privatization

1 Commission shall grant access to ~~the Florida Corrections~~
2 ~~Commission and~~ the Correctional Medical Authority which
3 includes access to the facilities, offenders, and any
4 information the Correctional Medical Authority requires
5 ~~agencies require~~ to complete its report ~~their reports~~. The
6 review shall also include an examination of promising
7 geriatric policies, practices, and programs currently
8 implemented in other correctional systems within the United
9 States. The report reports, with specific findings and
10 recommendations for implementation, shall be submitted to the
11 President of the Senate and the Speaker of the House of
12 Representatives on or before December 31 of each year.

13 Section 3. This act shall take effect October 1, 2001.

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15 HOUSE SUMMARY

16 Abolishes the Florida Corrections Commission within the
17 Department of Corrections.
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