

By Senator Wise

5-690-03

1 A bill to be entitled
 2 An act relating to governmental reorganization;
 3 abolishing the Department of Juvenile Justice
 4 and transferring the duties and
 5 responsibilities of the Department of Juvenile
 6 Justice to the Department of Corrections;
 7 amending s. 20.315, F.S.; revising provisions
 8 governing the duties and responsibilities of
 9 the Department of Corrections to conform to the
 10 reorganization; repealing s. 20.316, F.S.,
 11 relating to the Department of Juvenile Justice;
 12 requiring the Secretary of Corrections to
 13 report recommendations to the Governor and the
 14 Legislature for implementing the
 15 reorganization; directing the Division of
 16 Statutory Revision of the Office of Legislative
 17 Services to prepare a reviser's bill conforming
 18 the Florida Statutes to the changes made by the
 19 act; providing an effective date.

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

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 23 Section 1. The Department of Juvenile Justice is
 24 transferred to the Department of Corrections by a type two
 25 transfer, as provided in section 20.06(2), Florida Statutes.

26 Section 2. The Department of Juvenile Justice is
 27 abolished.

28 Section 3. Section 20.315, Florida Statutes, is
 29 amended to read:

30 20.315 Department of Corrections.--There is created a
 31 Department of Corrections.

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

1 state, including the delivery of all programs and services
2 within the juvenile justice continuum. As used in this
3 section, the term "juvenile justice continuum" means all
4 programs for children in need of services; programs for
5 families in need of services; other prevention, early
6 intervention, and diversion programs; detention centers and
7 related programs and facilities; community-based residential
8 commitment and nonresidential programs; and delinquency
9 institutions provided or funded by the department.The
10 secretary shall ensure that the programs and services of the
11 department, including the programs and services of the
12 juvenile justice continuum,are administered in accordance
13 with state and federal laws, rules, and regulations, with
14 established program standards, and performance objectives by
15 reviewing and monitoring regional and circuit program
16 operations and providing technical assistance to those
17 programs,~~and~~ consistent with legislative intent. The
18 secretary shall identify the need for and recommend funding
19 for the secure and efficient operation of the state
20 correctional system. The secretary shall:
21 1. Identify the need for and recommend the funding and
22 implementation of an appropriate mix of programs and services
23 within the juvenile justice continuum, including prevention,
24 diversion, nonresidential and residential commitment programs,
25 training schools, and conditional release programs and
26 services, with an overlay of educational, vocational, alcohol,
27 drug abuse, and mental health services where appropriate.
28 2. Provide for program research, development, and
29 planning.
30 3. Develop staffing and workload standards and
31 coordinate staff development and training.

1 4. Develop budget and resource allocation
2 methodologies and strategies.

3 5. Establish program policies and rules and ensure
4 that those policies and rules encourage cooperation,
5 collaboration, and information sharing with community partners
6 in the juvenile justice system to the extent authorized by
7 law.

8 6. Develop funding sources external to state
9 government.

10 7. Obtain, approve, monitor, and coordinate research
11 and program development grants.

12 8. Enter into contracts.

13 9. Monitor all state-funded programs, grants,
14 appropriations, or activities that are designed to prevent
15 juvenile crime, delinquency, gang membership, or status
16 offense behaviors and all state-funded programs, grants,
17 appropriations, or activities that are designed to prevent a
18 child from becoming a "child in need of services," as defined
19 in chapter 984, in order to effect the goals and policies of
20 the State Comprehensive Plan regarding children and regarding
21 governmental efficiency, and in order to determine:

22 a. The number of youth served by such state-funded
23 programs, grants, appropriations, or activities;

24 b. The number of youth who complete such state-funded
25 programs, grants, appropriations, or activities;

26 c. The number and percentage of youth who are referred
27 for delinquency while participating in such state-funded
28 programs, grants, appropriations, or activities; and

29 d. The number and percentage of youth who are referred
30 for delinquency within 6 months after completing such
31 state-funded programs, grants, appropriations, or activities.

1 (a) The secretary shall appoint a deputy secretary.
2 The deputy secretary shall be directly responsible to the
3 secretary and shall serve at the pleasure of the secretary.

4 (b) The secretary shall appoint a general counsel and
5 an inspector general, who are exempt from part II of chapter
6 110 and are included in the Senior Management Service.

7 (c) The secretary may appoint assistant secretaries,
8 directors, or other such persons that he or she deems are
9 necessary to accomplish the mission and goals of the
10 department, including, but not limited to, the following areas
11 of program responsibility:

12 1. Security and institutional operations, which shall
13 provide inmate work programs, offender programs, security
14 administration, emergency operations response, and operational
15 oversight of the regions.

16 2. Health services, which shall be headed by a
17 physician licensed under chapter 458 or an osteopathic
18 physician licensed under chapter 459, or a professionally
19 trained health care administrator with progressively
20 responsible experience in health care administration. This
21 individual shall be responsible for the delivery of health
22 services to offenders within the system and shall have direct
23 professional authority over such services.

24 3. Community corrections, which shall provide for
25 coordination of community alternatives to incarceration and
26 operational oversight of community corrections regions.

27 4. Administrative services, which shall provide budget
28 and accounting services within the department, including the
29 construction and maintenance of correctional institutions,
30 human resource management, research, planning and evaluation,
31 and technology.

1 5. Program, transition, and postrelease services,
2 which shall provide for the direct management and supervision
3 of all departmental programs, including the coordination and
4 delivery of education and job training to the offenders in the
5 custody of the department. In addition, this program shall
6 provide for the direct management and supervision of all
7 programs that furnish transition assistance to inmates who are
8 or have recently been in the custody of the department,
9 including the coordination, facilitation, and contract
10 management of prerelease and postrelease transition services
11 provided by governmental and private providers, including
12 faith-based service groups.

13 6. Prevention and victim services.

14 7. Intake and detention.

15 8. Residential and correctional facilities.

16 9. Probation and community corrections.

17 (4) REGIONS AND CIRCUITS.--

18 (a) The department shall plan and administer its
19 program of services for community corrections, security, and
20 institutional operations through regions.

21 (b) The department shall plan and administer its
22 programs through a substate structure that conforms to the
23 boundaries of the judicial circuits prescribed in s. 26.021. A
24 county may seek placement in a juvenile justice operating
25 circuit other than as prescribed in s. 26.021 for
26 participation in the Prevention and Victim Services Program
27 and the Probation and Community Corrections Program by making
28 a request of the chief circuit judge in each judicial circuit
29 affected by such request. Upon a showing that geographic
30 proximity, community identity, or other legitimate concern for
31 efficiency of operations merits alternative placement, each

1 affected chief circuit judge may authorize the execution of an
2 interagency agreement specifying the alternative juvenile
3 justice operating circuit in which the county is to be placed
4 and the basis for the alternative placement. Upon the
5 execution of the interagency agreement by each affected chief
6 circuit judge, the secretary may administratively place a
7 county in an alternative juvenile justice operating circuit
8 pursuant to the agreement.

9 (5) ANNUAL REPORTING.--The department shall report
10 annually to the Governor, the President of the Senate, and the
11 Speaker of the House of Representatives recounting its
12 activities and making recommendations for improvements to the
13 performance of the department.

14 (6) FLORIDA CORRECTIONS COMMISSION.--

15 (a)1. The Florida Corrections Commission is hereby
16 created. The primary focus of the commission shall be on
17 corrections; however, in those instances in which the policies
18 of other components of the criminal justice system affect
19 corrections, the commission shall advise and make
20 recommendations.

21 2. The commission shall consist of nine members
22 appointed by the Governor subject to confirmation by the
23 Senate. Members of the commission shall serve terms of 4 years
24 each. Members must be appointed in such a manner as to
25 equitably represent all geographic areas of the state. Each
26 member of the commission must be a citizen and registered
27 voter of the state. A member of the commission shall represent
28 the public safety needs of the state as a whole and may not
29 subordinate the needs of the state to those of any particular
30 area of the state. The commission's membership should, to the
31 extent possible, contain persons who are knowledgeable about

1 construction, health care, information technology, education,
2 business, food services, law, and inmate and youthful offender
3 rehabilitation and services.

4 3. The commission is assigned to the office of the
5 Secretary of Corrections for administrative and fiscal
6 accountability purposes, but it shall otherwise function
7 independently of the control and direction of the Department
8 of Corrections.

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

10 1. Recommend major correctional policies for the
11 Governor's approval, and assure that approved policies and any
12 revisions thereto are properly executed.

13 2. Periodically review the status of the state
14 correctional system and recommend improvements therein to the
15 Governor and the Legislature.

16 3. Annually perform an in-depth review of
17 community-based intermediate sanctions and recommend to the
18 Governor and the Legislature intergovernmental approaches
19 through the Community Corrections Partnership Act for planning
20 and implementing such sanctions and programs.

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

29 5. Routinely monitor the financial status of the
30 Department of Corrections to assure that the department is
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1 managing revenue and any applicable bond proceeds responsibly
2 and in accordance with law and established policy.

3 6. Evaluate, at least quarterly, the efficiency,
4 productivity, and management of the Department of Corrections,
5 using performance and production standards developed by the
6 department under former subsection (18).

7 7. Provide public education on corrections and
8 criminal justice issues.

9 8. Report to the President of the Senate, the Speaker
10 of the House of Representatives, and the Governor by November
11 1 of each year.

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

15 1. The awarding of contracts by the department.

16 2. The selection by the department of a consultant or
17 contractor or the prequalification by the department of any
18 individual consultant or contractor. However, the commission
19 may recommend to the Secretary of Corrections standards and
20 policies governing the procedure for selection and
21 prequalification of consultants and contractors.

22 3. The selection by the department of a county for a
23 specific project.

24 4. The selection by the department of a specific
25 location for a correctional facility.

26 5. The employment, promotion, demotion, suspension,
27 transfer, or discharge of any departmental personnel.

28 6. The enforcement of minimum standards for any county
29 or municipal detention facility.

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

1 2. The commission shall hold a minimum of four regular
2 meetings annually, and other meetings may be called by the
3 chair upon giving at least 7 days' notice to all members and
4 the public pursuant to chapter 120. Meetings may also be held
5 upon the written request of at least four members, upon at
6 least 7 days' notice of such meeting being given to all
7 members and the public by the chair pursuant to chapter 120.
8 Emergency meetings may be held without notice upon the request
9 of all members. The meetings of the commission shall be held
10 in the central office of the Department of Corrections in
11 Tallahassee unless the chair determines that special
12 circumstances warrant meeting at another location.

13 3. A majority of the membership of the commission
14 constitutes a quorum at any meeting of the commission. An
15 action of the commission is not binding unless the action is
16 taken pursuant to an affirmative vote of a majority of the
17 members present, but not fewer than four members of the
18 commission must be present, and the vote must be recorded in
19 the minutes of the meeting.

20 4. The chair shall cause to be made a complete record
21 of the proceedings of the commission, which record shall be
22 open for public inspection.

23 (e) The commission shall appoint an executive director
24 and an assistant executive director, who shall serve under the
25 direction, supervision, and control of the commission. The
26 executive director, with the consent of the commission, shall
27 employ such staff as are necessary to perform adequately the
28 functions of the commission, within budgetary limitations. All
29 employees of the commission are exempt from part II of chapter
30 110 and serve at the pleasure of the commission. The salaries
31 and benefits of all employees of the commission shall be set

1 in accordance with the Selected Exempt Service rules; however,
2 the commission shall have complete authority for fixing the
3 salaries of the executive director and the assistant executive
4 director. The executive director and staff of the Task Force
5 for Review of the Criminal Justice and Corrections System,
6 created under chapter 93-404, Laws of Florida, shall serve as
7 the staff for the commission until the commission hires an
8 executive director.

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

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

16 (h) The commission shall develop a budget pursuant to
17 chapter 216. The budget is not subject to change by the
18 department, but such budget shall be submitted to the Governor
19 along with the budget of the department.

20 (7) DEPARTMENTAL BUDGETS.--

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

23 (b) The department, consistent with chapter 216, may
24 transfer, as necessary, funds and positions among budget
25 entities to realign appropriations with the revised budget
26 entity designations. Such authorized revisions must be
27 consistent with the intent of the approved operating budget.
28 The department shall periodically review the appropriateness
29 of the budget entity designations and the adequacy of its
30 delegated authority to transfer funds between entities and
31 submit the reviews to the Governor's Office of Planning and

1 Budget. To fulfill this responsibility, the secretary shall
2 have the authority to review, amend, and approve the annual
3 budget requests of all departmental activities.

4 (8) PLACEMENT OF OFFENDERS.--The department shall
5 classify its programs according to the character and range of
6 services available for its clients. The department shall place
7 each offender in the program or facility most appropriate to
8 the offender's needs, subject to budgetary limitations and the
9 availability of space.

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

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

29 (11) SINGLE INFORMATION AND RECORDS SYSTEM.--There
30 shall be only one offender-based information and records
31 system maintained by the Department of Corrections for the

1 joint use of the department and the Parole Commission. This
2 data system is managed through the Justice Data Center, which
3 is hereby transferred to the department under this act
4 pursuant to a type two transfer authorized under s. 20.06(2).
5 The department shall develop and maintain, in consultation
6 with the Criminal and Juvenile Justice Information Systems
7 Council under s. 943.08, such offender-based information
8 system designed to serve the needs of both the department and
9 the Parole Commission. The department shall notify the
10 commission of all violations of parole and the circumstances
11 thereof.

12 (12) TRANSFER OF AUTHORITY.--All statutory functions
13 of the department not otherwise herein assigned to a specific
14 unit of the department are assigned generally to the
15 department and may be allocated and reallocated by the
16 secretary to an authorized unit of the department.

17 (13) INFORMATION SYSTEMS.--

18 (a) The department shall develop, in consultation with
19 the Criminal and Juvenile Justice Information Systems Council
20 under s. 943.08, a juvenile justice information system to
21 provide information concerning the department's activities and
22 programs.

23 (b) In establishing the computing and network
24 infrastructure for the development of the information system,
25 the department shall develop a system design to set the
26 direction for the information system. That design must include
27 not only department system requirements but also data exchange
28 requirements of other state and local juvenile justice system
29 organizations.

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1 (c) The department shall implement a distributed
2 system architecture which shall be defined in its agency
3 strategic plan.

4 (d) The management information system must, at a
5 minimum:

6 1. Facilitate case management of juveniles referred to
7 or placed in the department's custody.

8 2. Provide timely access to current data and computing
9 capacity to support outcome evaluation, legislative oversight,
10 the Juvenile Justice Estimating Conference, and other
11 research.

12 3. Provide automated support to the quality assurance
13 and program review functions.

14 4. Provide automated support to the contract
15 management process.

16 5. Provide automated support to the facility
17 operations management process.

18 6. Provide automated administrative support to
19 increase efficiency, provide the capability of tracking
20 expenditures of funds by the department or contracted service
21 providers that are eligible for federal reimbursement, and
22 reduce forms and paperwork.

23 7. Facilitate connectivity, access, and use of
24 information among various state agencies, and other state,
25 federal, local, and private agencies, organizations, and
26 institutions.

27 8. Provide electronic public access to juvenile
28 justice information, which is not otherwise made confidential
29 by law or exempt from s. 24, Art. I of the State Constitution
30 or s. 119.07(1).

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1 9. Provide a system for the training of information
2 system users and user groups.

3 (e) The department shall aggregate, on a quarterly and
4 an annual basis, the program information, demographic, program
5 utilization rate, and statistical data of the youth served
6 into a descriptive report and shall disseminate the quarterly
7 and annual reports to substantive committees of the Senate and
8 the House of Representatives.

9 (f) The department shall provide an annual report on
10 the juvenile justice information system to the Criminal and
11 Juvenile Justice Information Systems Council. The council
12 shall review and forward the report, along with its comments,
13 to the appropriate substantive and appropriations committees
14 of the Senate and the House of Representatives delineating the
15 development status of the system and other information
16 necessary for funding policy formulation.

17 (g) The department shall include in its annual budget
18 request a comprehensive summary of costs involved in the
19 establishment of the information system and cost savings
20 associated with its implementation. The budget request must
21 also include a complete inventory of staff, equipment, and
22 facility resources for development and maintenance of the
23 system.

24 (14)~~(13)~~ PURCHASE OF SERVICES.--Whenever possible, the
25 department, in accordance with the established program
26 objectives and performance criteria, may contract for the
27 provision of services by counties, municipalities, nonprofit
28 corporations, and other entities capable of providing needed
29 services, if services so provided are more cost-efficient,
30 cost-effective, or timely than those provided by the
31 department or available to it under existing law.

1 Section 4. Section 20.316, Florida Statutes, is
2 repealed.

3 Section 5. By January 1, 2004, the Secretary of
4 Corrections shall report to the Governor, the President of the
5 Senate, and the Speaker of the House of Representatives his or
6 her recommendations for reorganizing the Department of
7 Corrections.

8 Section 6. By January 1, 2004, the Division of
9 Statutory Revision of the Office of Legislative Services shall
10 prepare a reviser's bill to conform the Florida Statutes to
11 the changes made by this act.

12 Section 7. This act shall take effect October 1, 2003.

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15 SENATE SUMMARY

16 Abolishes the Department of Juvenile Justice and
17 transfers the duties and responsibilities of that
18 department to the Department of Corrections. Requires the
19 Secretary of Corrections to report recommendations for
20 implementing the reorganization. Directs the Division of
21 Statutory Revision of the Office of Legislative Services
22 to prepare a reviser's bill. (See bill for details.)
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