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A bill to be entitled  
 An act relating to corrections; amending s. 20.315, F.S.;  
 abolishing the Florida Corrections Commission; amending s.  
 944.8041, F.S.; conforming references; requiring the  
 annual report on elderly offenders within the correctional  
 system to be submitted to the Governor in addition to the  
 Legislature; amending s. 946.40, F.S.; permitting  
 political subdivisions to reimburse the Department of  
 Corrections for certain services of inmates and personnel  
 of the department; amending s. 957.04, F.S.; revising  
 requirements for contracts for the operation of private  
 correctional facilities; conforming references; amending  
 s. 957.07, F.S.; providing for the Prison Per-Diem  
 Workgroup to develop certain rates on an as-needed basis;  
 amending s. 957.12, F.S.; revising provisions relating to  
 prohibitions on contact with respect to a request for  
 proposals for a private correctional facility; providing  
 an effective date.

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

Section 1. Subsections (7) through (13) of section 20.315,  
 Florida Statutes, are renumbered as subsections (6) through  
 (12), respectively, and present subsection (6) of said section  
 is amended to read:

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

~~(6) FLORIDA CORRECTIONS COMMISSION.~~

29           ~~(a)1. The Florida Corrections Commission is hereby~~  
 30 ~~created. The primary focus of the commission shall be on~~  
 31 ~~corrections; however, in those instances in which the policies~~  
 32 ~~of other components of the criminal justice system affect~~  
 33 ~~corrections, the commission shall advise and make~~  
 34 ~~recommendations.~~

35           ~~2. The commission shall consist of nine members appointed~~  
 36 ~~by the Governor subject to confirmation by the Senate. Members~~  
 37 ~~of the commission shall serve terms of 4 years each. Members~~  
 38 ~~must be appointed in such a manner as to equitably represent all~~  
 39 ~~geographic areas of the state. Each member of the commission~~  
 40 ~~must be a citizen and registered voter of the state. A member of~~  
 41 ~~the commission shall represent the public safety needs of the~~  
 42 ~~state as a whole and may not subordinate the needs of the state~~  
 43 ~~to those of any particular area of the state. The commission's~~  
 44 ~~membership should, to the extent possible, contain persons who~~  
 45 ~~are knowledgeable about construction, health care, information~~  
 46 ~~technology, education, business, food services, law, and inmate~~  
 47 ~~and youthful offender rehabilitation and services.~~

48           ~~3. The commission is assigned to the office of the~~  
 49 ~~Secretary of Corrections for administrative and fiscal~~  
 50 ~~accountability purposes, but it shall otherwise function~~  
 51 ~~independently of the control and direction of the Department of~~  
 52 ~~Corrections.~~

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

54           ~~1. Recommend major correctional policies for the~~  
 55 ~~Governor's approval, and assure that approved policies and any~~  
 56 ~~revisions thereto are properly executed.~~

57           ~~2. Periodically review the status of the state~~  
 58 ~~correctional system and recommend improvements therein to the~~  
 59 ~~Governor and the Legislature.~~

60           ~~3. Annually perform an in-depth review of community-based~~  
 61 ~~intermediate sanctions and recommend to the Governor and the~~  
 62 ~~Legislature intergovernmental approaches through the Community~~  
 63 ~~Corrections Partnership Act for planning and implementing such~~  
 64 ~~sanctions and programs.~~

65           ~~4. Perform an in-depth evaluation of the annual budget~~  
 66 ~~request of the Department of Corrections, the comprehensive~~  
 67 ~~correctional master plan, and the tentative construction program~~  
 68 ~~for compliance with all applicable laws and established~~  
 69 ~~departmental policies. The commission may not consider~~  
 70 ~~individual construction projects, but shall consider methods of~~  
 71 ~~accomplishing the department's goals in the most effective,~~  
 72 ~~efficient, and businesslike manner.~~

73           ~~5. Routinely monitor the financial status of the~~  
 74 ~~Department of Corrections to assure that the department is~~  
 75 ~~managing revenue and any applicable bond proceeds responsibly~~  
 76 ~~and in accordance with law and established policy.~~

77           ~~6. Evaluate, at least quarterly, the efficiency,~~  
 78 ~~productivity, and management of the Department of Corrections,~~  
 79 ~~using performance and production standards developed by the~~  
 80 ~~department under former subsection (18).~~

81           ~~7. Provide public education on corrections and criminal~~  
 82 ~~justice issues.~~

83 ~~8. Report to the President of the Senate, the Speaker of~~  
 84 ~~the House of Representatives, and the Governor by November 1 of~~  
 85 ~~each year.~~

86 ~~9. Resolve disputes between the Department of Corrections~~  
 87 ~~and the contractors for the private correctional facilities~~  
 88 ~~entered into under chapter 957 when a contractor proposes to~~  
 89 ~~waive a rule, policy, or procedure concerning operation~~  
 90 ~~standards.~~

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

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

95 ~~2. The selection by the department of a consultant or~~  
 96 ~~contractor or the prequalification by the department of any~~  
 97 ~~individual consultant or contractor. However, the commission may~~  
 98 ~~recommend to the Secretary of Corrections standards and policies~~  
 99 ~~governing the procedure for selection and prequalification of~~  
 100 ~~consultants and contractors.~~

101 ~~3. The selection by the department of a county for a~~  
 102 ~~specific project.~~

103 ~~4. The selection by the department of a specific location~~  
 104 ~~for a correctional facility.~~

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

107 ~~6. The enforcement of minimum standards for any county or~~  
 108 ~~municipal detention facility.~~

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

111           ~~2. The commission shall hold a minimum of four regular~~  
112 ~~meetings annually, and other meetings may be called by the chair~~  
113 ~~upon giving at least 7 days' notice to all members and the~~  
114 ~~public pursuant to chapter 120. Meetings may also be held upon~~  
115 ~~the written request of at least four members, upon at least 7~~  
116 ~~days' notice of such meeting being given to all members and the~~  
117 ~~public by the chair pursuant to chapter 120. Emergency meetings~~  
118 ~~may be held without notice upon the request of all members. The~~  
119 ~~meetings of the commission shall be held in the central office~~  
120 ~~of the Department of Corrections in Tallahassee unless the chair~~  
121 ~~determines that special circumstances warrant meeting at another~~  
122 ~~location.~~

123           ~~3. A majority of the membership of the commission~~  
124 ~~constitutes a quorum at any meeting of the commission. An action~~  
125 ~~of the commission is not binding unless the action is taken~~  
126 ~~pursuant to an affirmative vote of a majority of the members~~  
127 ~~present, but not fewer than four members of the commission must~~  
128 ~~be present, and the vote must be recorded in the minutes of the~~  
129 ~~meeting.~~

130           ~~4. The chair shall cause to be made a complete record of~~  
131 ~~the proceedings of the commission, which record shall be open~~  
132 ~~for public inspection.~~

133           ~~(c) The commission shall appoint an executive director and~~  
134 ~~an assistant executive director, who shall serve under the~~  
135 ~~direction, supervision, and control of the commission. The~~  
136 ~~executive director, with the consent of the commission, shall~~  
137 ~~employ such staff as are necessary to perform adequately the~~  
138 ~~functions of the commission, within budgetary limitations. All~~

139 ~~employees of the commission are exempt from part II of chapter~~  
 140 ~~110 and serve at the pleasure of the commission. The salaries~~  
 141 ~~and benefits of all employees of the commission shall be set in~~  
 142 ~~accordance with the Selected Exempt Service rules; however, the~~  
 143 ~~commission shall have complete authority for fixing the salaries~~  
 144 ~~of the executive director and the assistant executive director.~~

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

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

152 ~~(h) The commission shall develop a budget pursuant to~~  
 153 ~~chapter 216. The budget is not subject to change by the~~  
 154 ~~department, but such budget shall be submitted to the Governor~~  
 155 ~~along with the budget of the department.~~

156 Section 2. Section 944.8041, Florida Statutes, is amended  
 157 to read:

158 944.8041 Elderly offenders; annual review.--For the  
 159 purpose of providing information to the Legislature on elderly  
 160 offenders within the correctional system, ~~the Florida~~  
 161 ~~Corrections Commission and the Correctional Medical Authority~~  
 162 shall ~~each submit~~ annually prepare a report on the status and  
 163 treatment of elderly offenders in the state-administered and  
 164 private state correctional systems, as well as such information  
 165 on the River Junction Correctional Institution. In order to  
 166 adequately prepare the report ~~reports~~, the Department of

167 Corrections and the Department of Management Services shall  
 168 grant access to ~~the Florida Corrections Commission and the~~  
 169 Correctional Medical Authority that ~~which~~ includes access to the  
 170 facilities, offenders, and any information the authority  
 171 requires ~~agencies require~~ to complete the report ~~their reports~~.  
 172 The review shall also include an examination of promising  
 173 geriatric policies, practices, and programs currently  
 174 implemented in other correctional systems within the United  
 175 States. The report ~~reports~~, with specific findings and  
 176 recommendations for implementation, shall be submitted to the  
 177 Governor, the President of the Senate, and the Speaker of the  
 178 House of Representatives on or before December 31 of each year.

179 Section 3. Subsection (2) of section 946.40, Florida  
 180 Statutes, is amended to read:

181 946.40 Use of prisoners in public works.--

182 (2) The budget of the department may be reimbursed from  
 183 the budget of any state agency, ~~or~~ state institution, or  
 184 political subdivision for the services of inmates and personnel  
 185 of the department in such amounts as may be determined by  
 186 agreement between the department and the head of such agency, ~~or~~  
 187 institution, or political subdivision. However, no political  
 188 subdivision of the state shall be required to reimburse the  
 189 department for such services during a state of emergency. In  
 190 addition, a fiscally constrained county as defined in s.  
 191 985.2155 and the municipalities within such a fiscally  
 192 constrained county shall not be required to reimburse the state  
 193 for services provided pursuant to this section.

194 Section 4. Paragraphs (c) and (e) of subsection (1) of  
 195 section 957.04, Florida Statutes, are amended to read:

196 957.04 Contract requirements.--

197 (1) A contract entered into under this chapter for the  
 198 operation of private correctional facilities shall maximize the  
 199 cost savings of such facilities and shall:

200 (c) Require that the contractor seek, obtain, and maintain  
 201 accreditation by the American Correctional Association for the  
 202 facility under that contract. Compliance with amendments to the  
 203 accreditation standards of the association is required upon the  
 204 approval of such amendments by the Department of Management  
 205 Services ~~commission~~.

206 (e) Establish operations standards for correctional  
 207 facilities subject to the contract. However, if the department  
 208 and the contractor disagree with an operations standard, the  
 209 contractor may propose to waive any rule, policy, or procedure  
 210 of the department related to the operations standards of  
 211 correctional facilities which is inconsistent with the mission  
 212 of the contractor to establish cost-effective, privately  
 213 operated correctional facilities. The Department of Management  
 214 Services ~~Florida Corrections Commission~~ shall be responsible for  
 215 considering all proposals from the contractor to waive any rule,  
 216 policy, or procedure and shall render a final decision granting  
 217 or denying such request.

218 Section 5. Paragraphs (a) and (e) of subsection (5) of  
 219 section 957.07, Florida Statutes, are amended to read:

220 957.07 Cost-saving requirements.--



HB 1899

2005

221           (5)(a) ~~By February 1, 2002, and~~ Each year, thereafter as  
222 needed, the Prison Per-Diem Workgroup shall develop consensus  
223 per diem rates to be used when determining per diem rates of  
224 privately operated prisons. The Office of Program Policy  
225 Analysis and Government Accountability, the Office of the  
226 Auditor General, and the staffs of the appropriations committees  
227 of both the Senate and the House of Representatives are the  
228 principals of the workgroup. The workgroup may consult with  
229 other experts to assist in the development of the consensus per  
230 diem rates. All meetings of the workgroup shall be open to the  
231 public as provided in chapter 286.

232           ~~(e) This subsection supersedes the proviso language~~  
233 ~~immediately following Specific Appropriation 570 in the~~  
234 ~~Conference Report on CS for SB 2-C.~~

235           Section 6. Section 957.12, Florida Statutes, is amended to  
236 read:

237           957.12 Prohibition on contact.--A bidder or potential  
238 bidder is not permitted to have any contact with any member or  
239 employee of or consultant to the Department of Management  
240 Services ~~commission~~ regarding a request for proposal, a  
241 proposal, or the evaluation or selection process from the time a  
242 request for proposals for a private correctional facility is  
243 issued until the time a notification of intent to award is  
244 announced, except if such contact is in writing or in a meeting  
245 for which notice was provided in the Florida Administrative  
246 Weekly.

247           Section 7. This act shall take effect July 1, 2005.