

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: SPB 7052

INTRODUCER: For consideration by Criminal Justice Committee

SUBJECT: Department of Corrections

DATE: February 9, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

Department of Corrections' vehicles are authorized to display a blue light when responding to emergencies, but are not authorized to use a siren. This bill authorizes DOC to designate department-owned vehicles as authorized emergency vehicles and to operate a siren on such vehicles.

The DOC also operates the Employee Benefit Trust Fund whose funding is derived primarily from the proceeds of vending machines not intended for use by inmates. The statutory purpose of the trust fund is to construct, operate, and maintain training and recreation facilities for the exclusive use of department employees. The bill clarifies that proceeds from the employee canteen and from the recycling program can be a source for funding the trust fund, and expands permissible uses of the fund to include employee appreciation programs and activities. It also provides for centralized oversight and reporting of each institution's fund.

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.2397, 945.215, and 945.21501.

II. Present Situation:

Section 316.2397, F.S., authorizes the display of blue lights on a Department of Corrections' vehicle when it is being used to respond to an emergency. Blue lights are installed within canine vehicles that are used during inmate escapes and mutual aid calls with local law enforcement agencies. They are also installed on some inmate transport vehicles used to follow ambulances that are transporting inmates for emergency treatment.

Although a DOC vehicle may display a blue light, the operator is not authorized to sound a siren or to disregard traffic control laws (with due regard for safety) during an emergency. This is a reported problem when a DOC vehicle is chasing an EMS vehicle that is transporting an inmate. The department reports that it is imperative that security be provided when the inmate arrives at the medical facility, but the two vehicles often get separated because the public is not aware that the DOC vehicle has authorization to chase. Also, other vehicles are not legally required to yield the right-of-way to DOC vehicles that are displaying a blue light because such vehicles are not included within the statutory definition of an “authorized emergency vehicle.”

The department operates an Employee Benefit Trust Fund that is authorized by s. 945.215(3), F.S., and established by s. 945.21501, F.S. The Fund’s purpose is to construct, operate, and maintain training and recreation facilities at correctional facilities for the exclusive use of department employees. The statutorily-authorized revenue sources are proceeds from vending machines and other such services not intended for use by inmates and donations not made by or on behalf of an individual inmate. The department reports the following approximate annual income to the Trust Fund:

Net proceeds from staff vending and staff canteen	\$1,100,000
Net proceeds from recycling	50,000
Proceeds from shoe shine/staff barber	<u>20,000</u>
	\$1,170,000

Proceeds from recycling are first deposited into the General Revenue Fund to pay the costs of the recycling program. After costs are paid, the net proceeds are transferred into the Employee Benefit Trust Fund to provide an incentive for participation in the program.

III. Effect of Proposed Changes:

The bill amends s. 316.003(1), F.S., to include vehicles operated by the Department of Corrections within the definition of an “authorized emergency vehicle.” Drivers of authorized emergency vehicles are permitted to exceed speed limits and to disregard traffic control devices and other traffic laws when responding to an emergency as long as due regard is given to safety (ss. 316.072(5) and 316.074, F.S.). Also, drivers of other vehicles are required to yield the right-of-way and pull over to the side of the road when an authorized emergency vehicle is giving an audible or visual signal that it is on emergency business (s. 316.126, F.S.).

Inclusion as an authorized emergency vehicle does not automatically confer authority to operate a siren. Therefore, the bill also amends s. 316.2397, F.S., to permit DOC to designate or authorize vehicles to use a siren in an emergency.

The bill also amends s. 945.215, F.S., to authorized use of proceeds from staff canteens and the recycling program as a source of funding for the Employee Benefit Trust Fund. It adds a prohibition against accepting donations from vendors or prospective vendors. Additionally, the bill provides that the Fund must be maintained as a separate set of accounts that are centrally maintained by the department, subject to annual audit by DOC’s inspector general, and that has sufficient data to provide an annual report to the Legislature and Governor upon request. The amendments also include authorization to adopt rules.

Section 945.21501, F.S., is the statute that implements the trust fund authorization. It is amended to conform to the authorizing statute. The phrase “designed to enhance the morale of employees” is added to further refine the type of employee appreciation programs and activities that are permissible. In its analysis of the bill, DOC cites 4th of July picnics and assistance in paying medical bills for an ill employee as the types of uses that are contemplated. While the bill can be interpreted to include employee assistance within the broad authorization to provide “employee appreciation programs and activities,” a clear statement of such authorization may be appropriate.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Drivers who fail to respond properly to the approach of a DOC vehicle that is operating as an authorized emergency vehicle are subject to being cited and fined for a non-criminal traffic infraction.

Allowing the use of funds in the Employee Benefit Trust Fund to help employees who are in need (such as assisting with medical bills) would have a positive financial impact on those receiving assistance.

C. Government Sector Impact:

The department estimates that it would incur a one-time expense of \$35,070 to purchase and install sirens in 167 authorized emergency vehicles. It also projects a cost of \$71,500 for 550 security staff personnel to receive specialized training in emergency vehicle operations.

It does not appear that the amendments to the trust fund would have a fiscal impact based upon the department’s current practice.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
