

By Senator Bradley

7-00359-15

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1 A bill to be entitled
2 An act relating to the Department of Corrections;
3 amending s. 20.315, F.S.; revising the method of
4 appointment for the Secretary of Corrections; creating
5 the Florida Corrections Commission within the
6 department; providing for membership and terms of
7 appointment for commission members; prescribing duties
8 and responsibilities of the commission; prohibiting
9 the commission from entering the department's
10 operation; establishing meeting and notice
11 requirements; requiring the commission to appoint an
12 executive director; authorizing reimbursement of per
13 diem and travel expenses for commission members;
14 prohibiting certain conflicts of interest among
15 commission members; amending s. 948.10, F.S.;
16 conforming a cross-reference; providing for
17 applicability; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Present subsections (4) through (12) of section
22 20.315, Florida Statutes, are redesignated as subsections (5)
23 through (13), respectively, subsection (3) of that section is
24 amended, and a new subsection (4) is added to that section, to
25 read:

26 20.315 Department of Corrections.—There is created a
27 Department of Corrections.

28 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
29 Corrections is the Secretary of Corrections. The secretary shall

7-00359-15

2015212__

30 be ~~is~~ appointed by the Governor with the concurrence of three
31 members of the Cabinet, subject to confirmation by the Senate,
32 and shall serve at the pleasure of the Governor and Cabinet. The
33 secretary is responsible for planning, coordinating, and
34 managing the corrections system of the state. The secretary
35 shall ensure that the programs and services of the department
36 are administered in accordance with state and federal laws,
37 rules, and regulations, with established program standards, and
38 consistent with legislative intent. The secretary shall identify
39 the need for and recommend funding for the secure and efficient
40 operation of the state correctional system.

41 (a) The secretary shall appoint a deputy secretary. The
42 deputy secretary shall be directly responsible to the secretary
43 and shall serve at the pleasure of the secretary.

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

47 (c) The secretary may appoint assistant secretaries,
48 directors, or other such persons that he or she deems are
49 necessary to accomplish the mission and goals of the department,
50 including, but not limited to, the following areas of program
51 responsibility:

52 1. Security and institutional operations, which shall
53 provide inmate work programs, offender programs, security
54 administration, emergency operations response, and operational
55 oversight of the regions.

56 2. Health services, which shall be headed by a physician
57 licensed under chapter 458 or an osteopathic physician licensed
58 under chapter 459, or a professionally trained health care

7-00359-15

2015212__

59 administrator with progressively responsible experience in
60 health care administration. This individual shall be responsible
61 for the delivery of health services to offenders within the
62 system and shall have direct professional authority over such
63 services.

64 3. Community corrections, which shall provide for
65 coordination of community alternatives to incarceration and
66 operational oversight of community corrections regions.

67 4. Administrative services, which shall provide budget and
68 accounting services within the department, including the
69 construction and maintenance of correctional institutions, human
70 resource management, research, planning and evaluation, and
71 technology.

72 5. Program, transition, and postrelease services, which
73 shall provide for the direct management and supervision of all
74 departmental programs, including the coordination and delivery
75 of education and job training to the offenders in the custody of
76 the department. In addition, this program shall provide for the
77 direct management and supervision of all programs that furnish
78 transition assistance to inmates who are or have recently been
79 in the custody of the department, including the coordination,
80 facilitation, and contract management of prerelease and
81 postrelease transition services provided by governmental and
82 private providers, including faith-based service groups.

83 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections
84 Commission is created. The commission is assigned to the
85 Department of Corrections for administrative and fiscal
86 accountability purposes, but it shall otherwise function
87 independently of the control, supervision, and direction of the

7-00359-15

2015212__

88 department. The primary focus of the commission shall be on
89 matters relating to corrections with an emphasis on the safe and
90 effective operations of major correctional institutions.

91 However, in instances in which the policies of other components
92 of the criminal justice system affect corrections, the
93 commission shall advise and make recommendations.

94 (a) The commission shall consist of nine members appointed
95 by the Governor and subject to confirmation by the Senate. The
96 initial members of the commission shall be appointed by October
97 1, 2015. Members of the commission shall be appointed for terms
98 of 4 years. However, to achieve staggered terms, four of the
99 initial members shall be appointed to 2-year terms. Members must
100 be appointed in a manner that ensures equitable representation
101 of different geographic regions of this state. Each member of
102 the commission must be a resident and a registered voter of this
103 state. A commission member must represent the state as a whole
104 and may not subordinate the needs of the state to those of a
105 particular region. The commission's membership should, to the
106 greatest extent possible, include individuals who are
107 knowledgeable about institutional corruption, correctional
108 facility oversight, correctional operations, officer and inmate
109 safety, and officer and inmate discipline.

110 (b) The primary duties and responsibilities of the Florida
111 Corrections Commission include:

112 1. Conducting announced and unannounced inspections of
113 correctional facilities, including facilities operated by
114 private contractors.

115 2. Identifying and monitoring high-risk and problematic
116 correctional facilities, and reporting findings and

7-00359-15

2015212__

117 recommendations relating to such facilities.

118 3. Continually monitoring on a statewide basis the
119 incidence of inmate-on-inmate and officer-on-inmate violence and
120 the introduction of contraband.

121 4. Submitting an annual report to the Governor, the
122 President of the Senate, and the Speaker of the House of
123 Representatives by each November 1, beginning in 2016.

124 5. Developing legislative and operational recommendations
125 for correctional system improvement.

126 6. Convening public hearings, for which the commission is
127 authorized to issue subpoenas and take sworn testimony of
128 witnesses.

129 7. Conducting confidential interviews with staff, officers,
130 inmates, correctional health care professionals, citizens,
131 volunteers, and public officials relating to the operations and
132 conditions of correctional facilities.

133 (c) The commission may not enter into the day-to-day
134 operation of the department.

135 (d) The commission shall hold a minimum of six regular
136 meetings annually. A majority of the membership of the
137 commission constitutes a quorum at any meeting of the
138 commission. The chair shall be elected from the commission's
139 membership. The chair shall direct that complete and accurate
140 minutes be kept of all commission meetings, which shall be open
141 for public inspection. Additional meetings may be held upon the
142 written request of at least four members, with at least 1 week's
143 notice of such meeting being given to all members and the public
144 by the chair pursuant to chapter 120. Emergency meetings may be
145 held without notice upon request of all members. Meetings of the

7-00359-15

2015212__

146 commission shall be held at major correctional facilities around
147 the state as determined by the chair.

148 (e) The commission shall appoint an executive director who
149 shall serve under the direction, supervision, and control of the
150 commission. The executive director, with consent of the
151 commission, shall employ staff as necessary to adequately
152 perform the functions of the commission.

153 (f) Commission members shall serve without compensation but
154 are entitled to receive reimbursement for per diem and travel
155 expenses as provided in s. 112.061.

156 (g) Commission members may not have an immediate family
157 member who works in the department and may not have any
158 interest, direct or indirect, in a contract, franchise,
159 privilege, or other benefit granted or awarded by the department
160 while serving as a member of the commission.

161 Section 2. Subsection (5) of section 948.10, Florida
162 Statutes, is amended to read:

163 948.10 Community control programs.—

164 (5) In its annual report to the Governor, the President of
165 the Senate, and the Speaker of the House of Representatives
166 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a
167 detailed analysis of the community control program and the
168 department's specific efforts to protect the public from
169 offenders placed on community control. The analysis must
170 include, but need not be limited to, specific information on the
171 department's ability to meet minimum officer-to-offender contact
172 standards, the number of crimes committed by offenders on
173 community control, and the level of community supervision
174 provided.

7-00359-15

2015212__

175 Section 3. The amendments made by this act to s. 20.315(3),
176 Florida Statutes, do not apply to a Secretary of Corrections
177 appointed before July 1, 2015.

178 Section 4. This act shall take effect July 1, 2015.