

By Senator Torres

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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 for
4 appointing the Secretary of Corrections; creating the
5 Florida Corrections Commission within the department;
6 providing for membership and terms of office;
7 providing duties and responsibilities of the
8 commission; prohibiting the commission from
9 interfering with the department's operations;
10 providing meeting and notice requirements; requiring
11 the commission to appoint an executive director;
12 authorizing reimbursement for per diem and travel
13 expenses; prohibiting certain conflicts of interest;
14 providing applicability; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Present subsections (4) through (12) of section
19 20.315, Florida Statutes, are renumbered as subsections (5)
20 through (13), respectively, a new subsection (4) is added to
21 that section, and subsection (3) of that section is amended, to
22 read:

23 20.315 Department of Corrections.—There is created a
24 Department of Corrections.

25 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
26 Corrections is the Secretary of Corrections. The secretary shall
27 be ~~is~~ appointed by the Governor with the concurrence of three
28 members of the Cabinet, subject to confirmation by the Senate,
29 and shall serve at the pleasure of the Governor and Cabinet. The

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30 secretary is responsible for planning, coordinating, and
31 managing the corrections system of the state. The secretary
32 shall ensure that the programs and services of the department
33 are administered in accordance with state and federal laws,
34 rules, and regulations, with established program standards, and
35 consistent with legislative intent. The secretary shall identify
36 the need for and recommend funding for the secure and efficient
37 operation of the state correctional system.

38 (a) The secretary shall appoint a deputy secretary. The
39 deputy secretary shall be directly responsible to the secretary
40 and shall serve at the pleasure of the secretary.

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

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

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

53 2. Health services, which shall be headed by a physician
54 licensed under chapter 458 or an osteopathic physician licensed
55 under chapter 459, or a professionally trained health care
56 administrator with progressively responsible experience in
57 health care administration. This individual shall be responsible
58 for the delivery of health services to offenders within the

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59 system and shall have direct professional authority over such
60 services.

61 3. Community corrections, which shall provide for
62 coordination of community alternatives to incarceration and
63 operational oversight of community corrections regions.

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

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

80 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections
81 Commission, a commission as defined in s. 20.03(10), is created.
82 Except as otherwise provided in this subsection, the commission
83 shall operate in a manner consistent with s. 20.052. The
84 commission is assigned to the department for administrative and
85 fiscal accountability purposes, but it shall otherwise function
86 independently of the control, supervision, and direction of the
87 department. The primary focus of the commission shall be on

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88 matters relating to corrections with an emphasis on the safe and
89 effective operations of major correctional institutions.
90 However, in instances in which the policies of other components
91 of the criminal justice system affect corrections, the
92 commission shall advise and make recommendations.

93 (a) The commission shall consist of nine members appointed
94 by the Governor, subject to confirmation by the Senate. The
95 initial members of the commission shall be appointed by October
96 1, 2020. Members of the commission shall be appointed for terms
97 of 4 years. However, to achieve staggered terms, four of the
98 initial members shall be appointed to 2-year terms. Members must
99 be appointed in a manner that ensures equitable representation
100 of different geographic regions of this state. Each member of
101 the commission must be a resident and a registered voter of this
102 state. A commission member must represent the state as a whole
103 and may not subordinate the needs of the state to those of a
104 particular region. The commission's membership should, to the
105 greatest extent possible, include individuals who are
106 knowledgeable about institutional corruption, correctional
107 facility oversight, correctional operations, officer and inmate
108 safety, and officer and inmate discipline.

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

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

114 2. Identifying and monitoring high-risk and problematic
115 correctional facilities, and reporting findings and
116 recommendations relating to such facilities.

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

120 4. Submitting an annual report to the Governor, the
121 President of the Senate, and the Speaker of the House of
122 Representatives by each November 1, beginning in 2021.

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

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

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

132 (c) The commission may not interfere with the day-to-day
133 operations of the department.

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

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146 the state as determined by the chair.

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

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

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

160 Section 2. The amendments made by this act to s. 20.315(3),
161 Florida Statutes, do not apply to a Secretary of Corrections
162 appointed before July 1, 2020.

163 Section 3. This act shall take effect July 1, 2020.