

By Senator Powell

30-01318-22

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1                   A bill to be entitled  
2       An act relating to duties of the inspector general of  
3       the Department of Corrections; amending s. 944.31,  
4       F.S.; transferring the law enforcement functions of  
5       the inspector general of the Department of Corrections  
6       to the Department of Law Enforcement; deleting  
7       provisions relating to law enforcement certification  
8       and powers of inspector general personnel;  
9       transferring by a type two transfer the powers,  
10      duties, functions, records, offices, personnel,  
11      property, investigations, and unexpended balances  
12      relating to specified law enforcement functions from  
13      the inspector general to the Department of Law  
14      Enforcement; providing an effective date.

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

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18       Section 1. Section 944.31, Florida Statutes, is amended to  
19      read:

20       944.31 Inspector general; inspectors; power and duties.—

21       (1) The inspector general shall be responsible for prison  
22      inspection and investigation, internal affairs investigations,  
23      and management reviews. The office of the inspector general  
24      shall be charged with the duty of inspecting the penal and  
25      correctional systems of the state. The office of the inspector  
26      general shall inspect each correctional institution or any place  
27      in which state prisoners are housed, worked, or kept within the  
28      state, with reference to its physical conditions, cleanliness,  
29      sanitation, safety, and comfort; the quality and supply of all

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30 bedding; the quality, quantity, and diversity of food served and  
31 the manner in which it is served; the number and condition of  
32 the prisoners confined therein; and the general conditions of  
33 each institution. The office of inspector general shall see that  
34 all the rules and regulations issued by the department are  
35 strictly observed and followed by all persons connected with the  
36 correctional systems of the state.

37 (2) The office of the inspector general shall coordinate  
38 and supervise the work of inspectors throughout this ~~the~~ state.  
39 The inspector general and inspectors may enter any place where  
40 prisoners in this state are kept, must ~~and shall~~ be immediately  
41 admitted to such place as they desire, and may consult and  
42 confer with any prisoner privately and without molestation.

43 (3) The inspector general and inspectors shall be  
44 responsible for ~~criminal and~~ administrative investigation of  
45 matters relating to the Department of Corrections. The  
46 Department of Law Enforcement shall conduct any criminal  
47 investigation concerning conduct that occurs on property owned  
48 or leased by the department or which involves matters over which  
49 the department has jurisdiction ~~The secretary may designate~~  
50 ~~persons within the office of the inspector general as law~~  
51 ~~enforcement officers to conduct any criminal investigation that~~  
52 ~~occurs on property owned or leased by the department or involves~~  
53 ~~matters over which the department has jurisdiction. A person~~  
54 ~~designated as a law enforcement officer must be certified~~  
55 ~~pursuant to s. 943.1395 and must have a minimum of 3 years'~~  
56 ~~experience as an inspector in the inspector general's office or~~  
57 ~~as a law enforcement officer.~~ The department shall maintain a  
58 memorandum of understanding with the Department of Law

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59 Enforcement for the notification and investigation of mutually  
60 agreed-upon predicate events consistent with this subsection  
61 which must ~~that shall~~ include, but are not limited to,  
62 suspicious deaths and organized criminal activity.

63 (4) During investigations, the inspector general and  
64 inspectors may consult and confer with any prisoner or staff  
65 member privately and without molestation and ~~persons designated~~  
66 ~~as law enforcement officers under this section shall have the~~  
67 ~~authority to arrest, with or without a warrant, any prisoner of~~  
68 ~~or visitor to a state correctional institution for a violation~~  
69 ~~of the criminal laws of the state involving an offense~~  
70 ~~classified as a felony that occurs on property owned or leased~~  
71 ~~by the department and may arrest offenders who have escaped or~~  
72 ~~absconded from custody. Persons designated as law enforcement~~  
73 ~~officers have the authority to arrest with or without a warrant~~  
74 ~~a staff member of the department, including any contract~~  
75 ~~employee, for a violation of the criminal laws of the state~~  
76 ~~involving an offense classified as a felony under this chapter~~  
77 ~~or chapter 893 on property owned or leased by the department. A~~  
78 ~~person designated as a law enforcement officer under this~~  
79 ~~section may make arrests of persons against whom arrest warrants~~  
80 ~~have been issued, including arrests of offenders who have~~  
81 ~~escaped or absconded from custody. The arrested person shall be~~  
82 ~~surrendered without delay to the sheriff of the county in which~~  
83 ~~the arrest is made, with a formal complaint subsequently made~~  
84 ~~against her or him in accordance with law.~~

85 Section 2. All powers, duties, functions, records, offices,  
86 personnel, associated administrative support positions,  
87 property, investigations, existing contracts, administrative

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88 authority, and administrative rules and unexpended balances of  
89 appropriations, allocations, and other funds relating to the  
90 Bureau of State Investigations/Law Enforcement of the office of  
91 the inspector general of the Department of Corrections which  
92 relate to investigation and enforcement of criminal laws,  
93 including all bureau personnel designated as law enforcement  
94 officers under s. 944.31, Florida Statutes, are transferred by a  
95 type two transfer, as defined in s. 20.06(2), Florida Statutes,  
96 to the Department of Law Enforcement.

97 Section 3. This act shall take effect July 1, 2022.