

By the Committee on Criminal Justice; and Senator Brandes

591-02130-18

20181208c1

1 A bill to be entitled
2 An act relating to the Florida Correctional Operations
3 Oversight Council; amending s. 14.32, F.S.; creating
4 the council within the Office of Chief Inspector
5 General; specifying the purpose of the council;
6 requiring the Office of Chief Inspector General to
7 provide administrative support to the council;
8 specifying the composition of the council; providing
9 terms of office and requirements regarding the
10 council's membership; prescribing the duties and
11 responsibilities of the council; prohibiting the
12 council from interfering with the operations of the
13 Department of Corrections or the Department of
14 Juvenile Justice; authorizing the council to appoint
15 an executive director; authorizing reimbursement for
16 per diem and travel expenses for members of the
17 council; establishing certain restrictions applicable
18 to members of the council and council staff; providing
19 an appropriation; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Subsection (6) is added to section 14.32,
24 Florida Statutes, to read:

25 14.32 Office of Chief Inspector General.—

26 (6) The Florida Correctional Operations Oversight Council,
27 a council as defined in s. 20.03, is created within the Office
28 of Chief Inspector General. The council is created for the
29 purpose of overseeing matters relating to the corrections and

591-02130-18

20181208c1

30 juvenile justice continuum with an emphasis on the safe and
31 effective operations of major institutions and facilities under
32 the purview of the Department of Corrections and the Department
33 of Juvenile Justice. However, in instances in which the policies
34 of other components of the criminal justice system affect
35 corrections or the juvenile justice continuum, the council shall
36 advise and make recommendations. The Office of Chief Inspector
37 General shall provide administrative support to the council. The
38 council is not subject to control, supervision, or direction by
39 the Chief Inspector General in the performance of its duties,
40 but is governed by the classification plan and salary and
41 benefits plan approved by the Executive Office of the Governor.

42 (a) The council is composed of the following members:

43 1. Three members appointed by the Governor.

44 2. Three members appointed by the President of the Senate.

45 3. Three members appointed by the Speaker of the House of
46 Representatives.

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48 The initial members of the council shall be appointed by October
49 1, 2018. Members of the council shall be appointed for terms of
50 4 years. However, to achieve staggered terms, one appointee of
51 each of the appointing authorities shall be appointed for an
52 initial 2-year term. Members must be appointed in a manner that
53 ensures equitable representation of different geographic regions
54 of the state, and members must be residents of this state.
55 Members of the council must act on behalf of the state as a
56 whole and may not subordinate the needs of the state to those of
57 a particular region. The council's membership should, to the
58 greatest extent possible, include persons with a background in

591-02130-18

20181208c1

59 prison operations, jail management, or the juvenile justice
60 continuum of services.

61 (b) The council's primary duties and responsibilities
62 include:

63 1. Evaluating, investigating, and overseeing the daily
64 operations of correctional and juvenile facilities.

65 2. Conducting announced and unannounced inspections of
66 correctional and juvenile facilities, including facilities
67 operated by private contractors. Members of the council may
68 enter any facility where prisoners, residents, or juveniles are
69 kept. Members shall be immediately admitted to such places as
70 they request and may consult and confer with any prisoner,
71 resident, or juvenile privately with adequate security in place.

72 3. Identifying and monitoring high-risk and problematic
73 correctional or juvenile facilities, and reporting findings and
74 recommendations relating to such facilities.

75 4. Providing technical assistance when appropriate.

76 5. Submitting an annual report to the Governor, the
77 President of the Senate, and the Speaker of the House of
78 Representatives by each November 1, beginning in 2019. The
79 report must include statutory, budgetary, and operational
80 recommendations to the Legislature which address problems
81 identified by the council.

82 6. Conducting confidential interviews with staff, officers,
83 inmates, juveniles, volunteers, and public officials relating to
84 the operations and conditions of correctional and juvenile
85 facilities.

86 7. Developing and implementing a monitoring tool that will
87 be used to assess the performance of each correctional and

591-02130-18

20181208c1

88 juvenile facility.

89 8. Conducting on-site visits to correctional and juvenile
90 facilities on a regular basis.

91 (c) The council may not interfere with the day-to-day
92 operations of the Department of Corrections and the Department
93 of Juvenile Justice, but shall conduct investigations and
94 provide recommendations for improvement.

95 (d) The council shall appoint an executive director who
96 shall serve under the direction of the members of the council.

97 (e) Members of the council shall serve without compensation
98 but are entitled to receive reimbursement for per diem and
99 travel expenses as provided in s. 112.061.

100 (f) Members of the council or its staff may not have
101 immediate family members working for the Department of
102 Corrections, the Department of Juvenile Justice, or a private
103 institution, facility, or provider under contract with either
104 department. A member of the council may not have any direct or
105 indirect interest in a contract, subcontract, franchise,
106 privilege, or other benefit granted or awarded by either
107 department while serving as a member of the council.

108 Section 2. For the 2018-2019 fiscal year, the sums of
109 \$168,074 in recurring funds and \$37,855 in nonrecurring funds
110 are appropriated from the General Revenue Fund to the Executive
111 Office of the Governor, and one full-time equivalent position
112 with associated salary rate of 70,000 is authorized, for the
113 purpose of administering the Florida Correctional Operations
114 Oversight Council.

115 Section 3. This act shall take effect July 1, 2018.