

By Senator Bracy

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1 A bill to be entitled
2 An act relating to citizen oversight of correctional
3 facilities; creating s. 944.0232, F.S.; creating a
4 Citizens Oversight Council adjunct to the Department
5 of Corrections; providing for membership and terms;
6 specifying duties and responsibilities of the council;
7 prohibiting the council from interfering with the day-
8 to-day operations of the Department of Corrections or
9 the Department of Juvenile Justice or certain
10 facilities; providing a purpose of the council;
11 providing for confidentiality of council business;
12 authorizing reimbursement for per diem and travel
13 expenses; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 944.0232, Florida Statutes, is created
18 to read:

19 944.0232 Citizens Oversight Council.-

20 (1) The Citizens Oversight Council, an advisory council as
21 defined in s. 20.03(7), is created adjunct to the Department of
22 Corrections. Except as otherwise provided in this section, the
23 council shall operate in a manner consistent with s. 20.052.

24 (2) (a) The council shall consist of the following members:

25 1. Four members appointed by the President of the Senate.

26 2. Four members appointed by the Minority Leader of the
27 Senate.

28 3. Four members appointed by the Speaker of the House of
29 Representatives.

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30 4. Four members appointed by the Minority Leader of the
31 House of Representatives.

32 (b) The initial members of the council shall be appointed
33 by October 1, 2020. Members shall be appointed for terms of 4
34 years. However, to achieve staggered terms, one member of each
35 appointing authority shall be appointed for an initial 2-year
36 term. Members must be appointed equally within each region of
37 the department. The council's membership shall include, to the
38 greatest extent possible, former prisoners, persons who are
39 directly impacted by the correctional system, and criminal
40 justice or prison reform advocates.

41 (3) The council's primary duties and responsibilities
42 include:

43 (a) Regularly conducting unannounced visits to adult and
44 juvenile correctional facilities, including facilities operated
45 by private contractors. Council members may enter any
46 correctional facility where prisoners or juveniles are kept and
47 shall be immediately admitted to such facilities upon their
48 request and may consult and confer with any prisoner or
49 juvenile, provided that there is adequate security. A council
50 member, upon any finding of concern, shall immediately contact
51 the warden and the two will work together to resolve the
52 concern.

53 (b) Conducting confidential interviews with administration,
54 staff, officers, prisoners, juveniles, prisoners' and juveniles'
55 families, volunteers, and public officials relating to the
56 operations and conditions of adult and juvenile correctional
57 facilities as well as the general health and welfare of
58 prisoners and juveniles.

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59 (c) Conducting telephone interviews with prisoners and
60 juveniles in a manner similar to that of legal counsel in a
61 private area using a telephone that is not recorded.

62 (d) Making recommendations to the classification teams,
63 including recommendations regarding close management,
64 administrative confinement, and disciplinary hearings.

65 (4) The council may not interfere with the day-to-day
66 operations of the Department of Corrections or the Department of
67 Juvenile Justice or any facilities operated by or on behalf of
68 either department, but shall serve as a liaison between
69 administration, staff, prisoners, juveniles, and prisoners' and
70 juveniles' families.

71 (5) The council's purpose is to transcend the turmoil that
72 exists between administration, staff, officers, prisoners,
73 juveniles, and prisoners' and juveniles' families and,
74 therefore, a council member may not discuss any circumstances or
75 findings with the media or any person who is not a member or
76 appointing authority of the council.

77 (6) Members of the council shall serve without compensation
78 but may receive reimbursement for per diem and travel expenses
79 as provided in s. 112.061.

80 Section 2. This act shall take effect July 1, 2020.