

STORAGE NAME: h2161a.cj

DATE: April 20, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
ANALYSIS**

BILL #: HB 2161

RELATING TO: Department of Corrections Reorganization

SPONSOR(S): Committee on Corrections and Representative Trovillion

COMPANION BILL(S): SB 1742

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CORRECTIONS YEAS 7 NAYS 0
 - (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 9 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The reorganization of the Department of Corrections is authorized in HB 2161. The secretary of the department would have increased flexibility in determining the middle- and upper-management organizational structure of the department and the administration of state appropriations to the department to perform its functions and duties.

The department's administrative structure would narrow at the regional level by deleting the requirement that there be five regional offices in the state, deleting the requirement that there be five regional directors, and deleting the current statutory requirement that each region have six division directors.

The department would assume an additional goal of ensuring that the rights and needs of crime victims are recognized and met. Also, the responsibility of overseeing the inmate grievance procedure is moved from the department's Office of the Inspector General to the Office of the General Counsel.

This bill requires the department to provide certain minimum services and programs for persons visiting inmates at correctional facilities. The secretary is required to determine any deficiencies in the family visitation program and budget recommendations to the Legislature for any improvements to visitation services and programs. The inmate welfare trust fund is explicitly permitted to be used for visitation services and programs.

HB 2161 deletes reference to "planning" and "designing" in the department authorization to contract with government agencies to perform work and other projects.

This bill transfers the Gadsden Correctional Institution currently under contract with the department to the Correctional Privatization Commission by July 1, 1999. This bill requires the department to study performance-based program budgeting efforts under proposed reorganization efforts and submit a report to the Legislature by October 1, 1999. And lastly, HB 2161 requires the Division of Statutory Revision to change the word "superintendent" to "warden" in selected statutory references.

This bill takes effect upon becoming law.

Reorganizing the department should result in indeterminate but potential significant cost savings or cost avoidance.

II. SUBSTANTIVE ANALYSIS:

PRESENT SITUATION:

General Organization of the Executive Branch of State Government

Chapter 20, F.S., provides guidelines and requirements for the structure of the executive branch of state government, which includes uniform definitions and standard nomenclature to be used, duties of department heads and inspectors general, and methods of reorganization. In addition, this chapter codifies the specific organizational structure of all departments and constitutional agencies.

Section 20.04, F.S., provides definitions and standard nomenclature to be used when referring to the various entities of the executive branch. All departments, with some exceptions, are to be structured according to these specifically-defined units:

- "Department" is the principal administrative unit of the executive branch, headed either by a secretary or an executive director as provided in law;
- "Division" is the principal unit of the department, headed by a "director";
- "Bureau" is the principal unit of the division, headed by a "chief";
- "Section" is the principal unit of the bureau, headed by an "administrator"; and
- "Subsection" is the principal unit of the section, headed by a "supervisor."

The departments of Children and Family Services, Corrections, and Transportation, as authorized in s. 20.04, F.S., use slightly different organizational structures. These three departments have, as their principal policy and program development units, "offices" headed by "directors".

The head of any department can recommend the establishment of additional bureaus, sections, and subsections as needed to promote efficient and effective operation of the department. These new units are initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment. For field operations, departments may establish district or area offices that combine division, bureau, section, and subsection functions. New divisions and offices, however, can be established only by specific statutory enactment.

Section 20.04(7), F.S., specifically prohibits the head of a department from reallocating duties or functions between specific units of the department which have been statutorily specified to be placed in a particular unit. However, any functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the head of the department.

Pursuant to ch. 20, F.S., some departments, such as Children and Family Services, Corrections, Revenue, and Transportation, are organized with specificity and detail as to the duties of department heads, administrative functions and programs, and budget requirements. Other departments, such as Law Enforcement and Highway Safety and Motor Vehicles, are organized more succinctly, with few provisions other than those creating the department, establishing a department head, and establishing divisions.

History of the Department of Corrections

The Correctional Organizational Act of 1975 created the Department of Offender Rehabilitation by combining the former Division of Corrections and the field staff of the Florida Parole and Probation Commission. Prior to that time, responsibility for correctional facilities and programs was with the Division of Corrections, established in 1957 and located in the Department of Health and Rehabilitative Services (DHRS).

The Department of Offender Rehabilitation was created with a structure similar to that of the DHRS. These departments were considered matrix organizations in which significant central office authority over decision-making was delegated to sub-headquarter units, districts and regions.

The 1975 Act reorganized central office management structure into programs, operations, management, and budget areas of responsibility. Also included in the Act was a requirement for the Department of Offender Rehabilitation to evaluate 20 percent of its major programs on an annual basis and the development of a single offender information and records system for joint use by the Florida Parole and Probation Commission and the department.

The 1975 Act also divided Florida into five regions through which the department could distribute its administrative responsibility. According to the department's 1975-76 annual report, the regional concept provided opportunity for field staff and correctional facilities' personnel to interact and work towards the same purpose. Five regional directors were given some program and fiscal autonomy in implementing

statewide correctional program objectives (Florida Department of Offender Rehabilitation, Annual Report 1975-76 (1977)).

Louie L. Wainwright was appointed Secretary of the new department by Governor Reubin Askew on June 30, 1975. At the time of his appointment, the department was responsible for 53,311 offenders, employed 7,410 persons, and had a budget for fiscal year 1975-76 of about \$78 million. The average daily cost to incarcerate an inmate was \$12.07.

In 1978, the Department of Offender Rehabilitation was renamed the Department of Corrections.

Purpose and Legislative Intent

Section 20.315, F.S., provides for the creation and organization of the Department of Corrections. From 1978 through 1996, the purpose of the department, as provided in law, was to “integrate the delivery of all offender rehabilitation and incarceration services that are deemed necessary for the rehabilitation of offenders and protection of society”. To fulfill this purpose mandated by law, the following statutory goals and objectives were established.

- Protect society by providing incarceration as an effective deterrent to crime.
- Substitute training and treatment methods that correct and rehabilitate offenders for retributive punishment.
- Provide an environment for inmates in which rehabilitation is possible, including protection from victimization.
- Provide meaningful community supervision for parolees and probationers and develop safe community alternatives to incarceration.
- Provide rehabilitative programs, including academic and career education.
- Provide library services.
- Provide judges with effective tools and information to use in sentencing.
- Provide necessary levels of institutional security.

Legislative intent language set forth in s. 20.315(2), F.S., recognized the “inescapable interrelationship between the various needs of departmental clients” and directed the department to focus its attention on the offender’s “total spectrum of needs,” recognizing a “whole person” approach to rehabilitation and problem solving. Further, the 1978 Legislature directed the department to develop a comprehensive program for the treatment of youthful offenders.

1978 Organizational Structure

The head of the department was a Secretary, who is appointed by the Governor, confirmed by the Senate, and served at the pleasure of the Governor. As the chief administrative officer of the department, the Secretary was directed by statute to “plan, direct, coordinate and execute the powers, duties and responsibilities assigned to the department.”[s. 20.315(5), F.S.] Prior to 1996, the Secretary was authorized to:

- set departmental priorities;
- direct the management, planning, and budgeting processes;
- supervise and direct departmental rule promulgation;
- supervise and direct the department’s legal services;
- submit reports at Florida Corrections Commission meetings; and
- provide assistance to the commission staff upon request.

The Secretary was also responsible for duties conferred under s. 20.05, F.S., which generally established duties for all department heads. Unless otherwise provided by law, department heads were required, among other responsibilities, to execute powers, duties and functions vested in the department; compile annual budgets; use their authority to adopt rules; accept gifts, bequests, and endowments on behalf of the department; and recommend more effective internal departmental structuring to the Legislature.

In addition to these general duties, the Secretary of the department was authorized to appoint a deputy secretary, an inspector general, six assistant secretaries, program directors, and regional directors. Following is a description of these positions and their respective duties:

- The Deputy Secretary (s. 20.315(5)(b), F.S.) was directly responsible to the Secretary, served at the Secretary's pleasure, performed duties assigned by the Secretary, and acted on the Secretary's behalf in his absence. Further duties were not specified by statute; however, the deputy secretary generally assisted in supervising the activities of top management staff in the department.
- The Inspector General (s. 20.315(5)(c), F.S.) was directly responsible to the Secretary and served at the Secretary's pleasure. The inspector general was statutorily authorized to conduct prison inspections and investigations, internal affairs investigations, inmate grievances and management reviews.
- The Assistant Secretary for Operations (s. 20.315(6), F.S.) supervised the department's service programs statewide, including the coordination and provision of all services in parole and probation supervision, intake, case management, diagnosis and evaluation, classification, and the management of all institutional and noninstitutional community residential and community nonresidential programs. The assistant secretary also directly supervised the five regional directors.
- The Assistant Secretary for Health Services (s. 20.315(7), F.S.) coordinated and provided comprehensive health services throughout the department and oversaw medical, surgical, dental, psychiatric, psychological, sanitation, and food services. The assistant secretary was to be a physician licensed under chapter 458, a doctor of public health, or a professionally trained manager having at least 5 years' experience in health care administration. This position also had "direct professional authority" over health care personnel. This language gave the assistant secretary authority to supervise clinical care given by any of the regional health services staff.
- The Assistant Secretary for Programs (s. 20.315(8), F.S.) coordinated and integrated operations of the various program offices and other program development and planning duties assigned by the Secretary. Areas of responsibility generally included adult services, parole and probation services, interstate compact, admission and release, research and statistics, substance abuse treatment programs, special needs offenders and chaplaincy services.
- The Assistant Secretary for Youthful Offenders (s. 20.315(9), F.S.) coordinated and integrated the custody, care, treatment, and rehabilitation of youthful offenders and other duties assigned by the Secretary. Additional statutory duties relating to the development of a comprehensive youthful offender program were also enumerated.
- The Assistant Secretary for Education and Job Training (s. 20.315(10), F.S.) coordinated and delivered education and job training to offenders. More specific areas of responsibilities included academic, special and vocation education, library services, wellness education, and distance learning.
- The Assistant Secretary for Management and Budget (s. 20.315(12), F.S.) was head of the Office of Management and Budget. The assistant secretary was responsible for management services, financial services, and management analysis throughout the department. Further responsibilities included: budget preparation and aggregation; grants management and disbursement; accounting; facilities housekeeping, maintenance and management, including design; construction and leases; personnel, staff development, training and technical assistance; information systems development; and purchasing.

- Regional directors (s. 20.315(13), F.S.) served as the chief administrative officers in each of the five regions from which the department planned and administered its correctional services programs. These regional directors were appointed by the Secretary and were directly responsible to the Assistant Secretary for Operations. Regional directors were classified at a level equal to division director. They administered and coordinated financial affairs and personnel management in their respective regions, ensuring that departmental policies were carried out and standards met. Further, they supervised the activities of the superintendents of major institutions within each region, the superintendents of community facilities and the regional probation and parole supervisors. Each regional director was responsible for staff training, budgeting, property management, and accounting within the regions.

The regions and counties located within each region were listed in s. 20.315(3), F.S., and regional offices were to be located in Marianna (Region 1), Gainesville (Region 2), Orlando (Region 3), Lauderhill (Region 4), and Tampa (Region 5). The Secretary, by rule, was authorized to designate service areas within the regions to effect the orderly provision of services. However, these service areas were to conform to judicial circuits.

The five regional directors appointed the following positions within their respective regions:

- Medical Executive Director (appointed in conjunction with the Assistant Secretary for Health Services);
- Correctional Officer Colonel;
- Chief of Regional Administration;
- Corrections Probation Regional Administrator;
- Correctional Programs Administrator;
- Regional Personnel Officer;
- Staff Development and Training Manager;
- Correctional Superintendents; and
- Circuit Administrators.

Departmental Budget/Performance-Based Program Budget

Prior to 1996, the Secretary was required by s. 20.315, F.S., to develop and submit annually to the Legislature a comprehensive departmental summary budget document that arrayed budgets along program lines. This document consisted of the following 10 distinct budget entities:

- Office of the Secretary and the Office of Management and Budget;
- Assistant Secretary for Programs and all program offices;
- Assistant Secretary for Operations and regional administration;
- Assistant Secretary for Health Services;
- Assistant Secretary for Youthful Offenders;
- Assistant Secretary for Education and Job Training;
- Major Institutions;
- Community Facilities and Road Prisons;
- Probation and Parole Services; and
- Youthful Offender Institutions;

The six assistant secretaries were required to furnish recommendations on annual department budget priorities to the Secretary. The Governor's Office of Management and Budget promulgated the necessary budget timetables, formats, and data requirements for all departmental budget requests, according to the Governor's statewide budget requirements. Further, regional directors developed annual budget requests to be reviewed, amended, and approved by the Secretary.

In 1994, the Legislature enacted the Government Performance and Accountability Act (see ch. 94-249, L.O.F.). This law requires each agency to develop performance planning and budgeting systems in an attempt, among other things, to improve program coordination, eliminate duplicative programs, and provide better information to the Governor and Legislature. Each state agency must initially list proposed state agency programs and performance measures for the Governor's review and approval. The Legislature has final approval of all programs and associated measures and standards. Agencies are required to submit their performance-based program budgets based on the statutorily established time schedule provided in s. 216.0172, F.S.

The department is fully involved in performance-based program budgeting. The department's proposed programs (budget entities) were approved by the Legislature during the 1998 legislative session and all of the department's programs began operating under performance-based program budgets in the FY 1999-00.

Florida Corrections Commission

The Florida Corrections Commission was created in 1993 in order to advise the Governor and Legislature on needed changes in public safety and corrections (see ch. 93-404, L.O.F.). Assigned to the Department of Corrections, but organized to function independently of the department, the commission consists of nine members who are appointed by the Governor and confirmed by the Senate. The commission publishes annual reports.

Section 20.315, F.S., specifically enumerates the primary functions of the commission. The commission and its members are prohibited from entering into the day to day operations of the department and from taking part in certain department functions. This section also establishes membership qualifications and specifically directs the commission to develop a budget to be submitted to the Governor along with the department's annual budget.

1996 Reorganization of DOC

The 1996 Legislature reorganized the Department of Corrections at both the central office and regional office levels [Chapter 96-278, L.O.F.]. It also revised the purpose and goals of the department to emphasize protecting the public, providing work and educational programs, collecting restitution, providing safe environments for offenders and staff, and creating community partnerships to help prevent crime. The department was further directed to focus on removing barriers to an offender's successful reentry into society, and to work with communities and private industry to further mutual goals, such as expanding offender work and educational opportunities.

The 1996 Legislature rewrote the powers and duties of the DOC Secretary. However, all powers and duties of the Secretary remained essentially the same. In addition, the Secretary's authority to appoint various officers--a deputy secretary, general counsel, inspector general, assistant secretaries and regional directors--remained the same.

The duties and responsibilities associated with the appointed positions were also rewritten more succinctly than under previous law. The duties of the deputy secretary and inspector general positions remained essentially the same as under the previous law. The 1996 Legislature shifted previous areas of responsibility among the assistant secretaries to allow for more effective administration of programs. While two of the six current assistant secretaries--the Assistant Secretary for Health Services and the Assistant Secretary for Education and Job Training-- have essentially the same job responsibilities as under the previous organizational structure, the other four positions were realigned as follows.

- Assistant Secretary for Security and Institutional Management - Areas of responsibility is broadly increased to include providing inmate work, offender programs, security administration, emergency operations and technical assistance to regions on institutional matters. According to the department, this assistant secretary is assigned some areas of responsibility that were handled by the Assistant Secretary for Programs and the Assistant Secretary for Youthful Offenders, such as adult services, classification, population management, special needs offenders, youthful offenders and substance abuse treatment.
- Assistant Secretary for Executive Services - Responsible for the management of human resources, research, planning and evaluation, and technology. According to the department, this assistant secretary is responsible for admission and release, research and statistics and grants development programs that were handled by the Assistant Secretary for Programs.
- Assistant Secretary for Community Corrections - Responsible for community alternatives to incarceration. According to the department, areas of responsibility include the following programs previously handled by the Assistant Secretary for Programs and relating to offenders under

community supervision; probation and parole, community facilities, interstate compact, work release, and substance abuse treatment.

- Assistant Secretary for Administration - Responsible for the budget and accounting, including construction and maintenance of correctional institutions. These areas were previously handled by the Office of Management and Budget, which was eliminated in 1996.

While the Assistant Secretary for Health Services continued to be responsible for comprehensive medical services throughout the department, the qualifications for the position changed. Under the 1996 legislation, the assistant secretary must be a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, or a professionally trained health care administrator with progressively responsible experience in health care administration. These qualifications differed from previous law, which allowed a physician licensed under ch. 458, F.S., a doctor of public health, or professionally trained manager with at least 5 years experience in health care administration to hold the position. Under the previous law, the Assistant Secretary for Health Services had direct professional authority over health care personnel. Under the 1996 legislation, the assistant secretary has direct professional authority over health care services provided to offenders within the system.

As part of the 1996 realignment of program responsibility, the Assistant Secretary for Youthful Offender, the Assistant Secretary for Programs, and the Assistant Secretary for Management and Budget positions were eliminated. As noted above, the functions of these offices were delegated to other assistant secretaries.

This realignment is duplicated at the regional office level for consistency of program administration. Regional directors appoint six directors in their respective regions at the level of division director, who are responsible for assisting the regional directors in the following areas:

- Administration;
- Community Corrections;
- Executive Services;
- Security and Institutional Management;
- Health Care Administration; and
- Education and Job Training.

Under previous law, appointments made by regional directors were not classified at a division director level. The 1996 legislation allowed appointments to the six realigned regional offices to be at the division director level. This classification includes positions in the Senior Management Service, as provided in Part III of ch. 110, F.S., for purposes of salary and benefits.

Further, previous law required regional directors to report directly to the Assistant Secretary for Operations. Under the 1996 legislation, they were located under the new Assistant Secretary for Security and Institutional Management for administrative purposes, but are accountable to the Secretary for Administration.

Currently, no more than five regional offices exist for purposes of administering program services. Under the 1996 legislation, the Secretary was given more flexibility in establishing the geographical boundaries of the regions. According to the department, these regions needed to be balanced to distribute the workload more efficiently. Prior statutory provisions listing the specific counties within each region were deleted and replaced with general authority for the Secretary to establish geographical boundaries. Under current law, the Secretary "...shall, to the extent possible, follow the boundaries of the judicial circuits and balance the size of the regions."

As of June 30, 1998, departmental data show the following information about the regions' facilities, offender populations on community supervision, inmate populations, and staff:

- Region I:
 - 6,665 total staff
 - 18 major institutions
 - 18,029 inmates
 - 15,764 offenders
- Region II:

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- 7,547 total staff
- 17 major institutions
- 19,541 inmates
- 19,319 offenders

- Region III:
 - 3,767 total staff
 - 7 major institutions
 - 8,676 inmates
 - 22,923 offenders

- Region IV:
 - 4,298 total staff
 - 9 major institutions
 - 10,982 inmates
 - 44,305 offenders

- Region V:
 - 4,199 total staff
 - 9 major institutions
 - 9,052 inmates
 - 42,342 offenders

Budget entities currently used by the department in submitting its budget were reduced from ten to four in the 1996 legislation. The four budget entities are:

- Department Administration;
- Department Operations;
- Health Services; and
- Education and Job Training.

The department currently revises its budget entity designations to conform with the four proposed budget entities or to other entities designated by the Governor under s. 216.0235, F.S. relating to performance-based legislative program budgets.

Currently, the department may transfer, as necessary, funds and positions among budget entities to realign appropriations with revised budget entity designations. Regional budget requests are included in the comprehensive budget document, and requires the deputy secretary, assistant secretaries and regional directors to all submit recommendations on departmental budget priorities to the Secretary. The Assistant Secretary for Administration provides necessary data for all departmental budget requests.

Inmate Family Issues

In the last ten years, the number of people incarcerated in Florida has almost doubled, rising from 33,681 in 1988, to 64,713 in 1997. As correctional populations increase, so do the number of people, adults and children alike, who are undergoing the experience of having a family member in prison. Thousands of families across Florida are traveling to visit their loved ones in prison, sending money for the inmate to purchase letter writing materials, accepting collect telephone calls and sending and receiving mail.

The House Committee on Corrections produced an interim report in November 1998, entitled Maintaining Family Contact when a Family Member goes to Prison. The report examined the government policies which impacted these families and the government services received by these family members as they endeavored to maintain contact with their incarcerated child, sibling or parent.

According to the Department of Corrections' Agency Strategic Plan, 1993-2003, more than 95% of Florida's prison population, currently incarcerated, will at some point return to the community. In recognition of this reality, the state implements programs which prepare the offender for a successful release, such as substance abuse treatment, educational programs or job training. Although substance abuse treatment, education and job skills may enhance the offender's likelihood of a successful release,

probably most important is that the released offender have someone who will give them guidance and support when they are released. For this reason, families can be a valuable community resource for assisting in an offender's successful reentry into the free world. Research has shown that having a family to return to is one of the most important factors in a released inmate's success.

Although family and community contacts can play a very important role in helping released offenders avoid returning to prison, the Correction Committee's report showed that the state has neglected this valuable resource and has in the last few years erected many impediments for families who strive to maintain meaningful contact. In addition, the report showed a remarkable absence from the rehabilitation programs offered of any large scale programs aimed at family services, improving visitor services or assisting the offender to understand and maintain positive family relationships. In contrast to the absence of visitor services or programs in Florida, the report inventoried diverse and innovative programs operating in other states.

Inmate Welfare Trust Fund

The Committee on Corrections' interim report also documented the financial burdens borne by family members with loved ones in prison and the extent to which families substantially subsidize the correctional system through their indirect contributions to the inmate welfare trust fund. In addition to having to adjust for the lost income from the inmate, families also must take on many additional expenses just to keep in touch with the inmate. Families must supply the inmate with writing materials, accept collect telephone calls at high rates, and travel all over the state to visit.

Findings From Interim Report

This report made the following findings concerning visitation:

- Finding 1 Empirical research suggests that encouraging families to remain intact may help lower recidivism. Offenders with family contacts may be less likely to return to prison.

In one frequently cited study, "Explorations in Inmate-Family Relationships," Norman Holt and Donald Miller examined the relationships between California inmates and their families. Generally, they found a significant difference in the rate of return to prison for inmates with regular and continuing visits as compared to those inmates who received no visits or only sporadic visits. Specifically, their findings showed that:

- Only 50% of inmates receiving no visits completed their first year of parole without arrests, while 70% of inmates who received at least three continuing visitors were arrest free in this period.
- Inmates receiving no visits were six times more likely to return to prison in their first year of parole than those receiving at least three visitors.

The researchers also compared visiting patterns with other variables that are usually associated with parole success - the amount of release money an inmate has and the availability of a job upon release. They found that neither affected the inmate's parole success as much as having a family to which they could come home.

The department has recognized this connection in Rule 33-5.006(7), F.A.C, stating

"Inmate visits with approved family members or friends should be encouraged for the positive purpose of maintaining home and community ties, which after release should provide a deterrent to recidivism."

- Finding 2 Security measures imposed by the department present barriers to maintaining family contact.

While mail and visits offer an opportunity for the introduction of contraband into the correctional institution, only four percent of these incidents were directly attributable to families and friends, as three percent occurred in the visiting area, and one percent occurred in the mail. Correctional Officers perceive that problems with contraband originate with visitors. Introduction of contraband was the second most common problem listed by correctional officers who work in the visiting area. Forty-six percent of these

officers believed that most contraband comes from visitors. However, a majority of the correctional officers surveyed did not necessarily view visitors as the primary source of contraband. In FY 1997-98, 3,599 incidents of contraband were reported statewide. However, only 4% of these incidents were directly attributable to families and friends, with 3% occurring in the visiting area and 1% occurring in the mail. The contraband incidents attributable to the visiting area and the mailroom may be under reported because the numbers only reflect incidents in which officers actually discovered the contraband. Therefore, it is possible that family and friends have a greater responsibility in the introduction of contraband than these numbers reflect. However, it is also possible that family and friends are actually only a small factor in the overall contraband problem.

Finding 3 The use of approved calling lists and phone call time limits, although important security features, make it more difficult for families to communicate by phone.

One of the simplest ways to keep in touch with a family member in prison is by using the telephone. Within its interim report, the House Committee on Corrections noted that sixty-eight percent of the family members surveyed stated that they receive a call from the inmate at least once a week.

In the correctional phone system there are rules for using the telephone. Each institution provides inmates access to a number of telephones on which calls may be made to pre-approved numbers outside the institution. There is a total of 1,224 telephones for inmate use statewide. This allows for an average of one telephone for every 48 inmates, although institutions range from providing one for every 19 inmates, to one for every 158 inmates. Phones are usually located in common areas, such as in dormitories, day areas and recreation yards, and inmates line up or sign up for a turn to place a call. Family members surveyed have reported that these locations for the telephone can be an impediment to communication, as such central areas are often quite noisy, making it difficult for family members to talk and listen, and generally restricting the quality and content of the phone conversation.

Inmates may not receive incoming telephone calls, and all outgoing calls must be made collect. Superintendents are authorized to use their discretion to award telephones privileges in excess of those provided for by the rules of the department. The specific procedures for making telephone calls are for the most part determined by individual superintendents. Typically, inmates have access to the phones during their off duty hours, often from 5:00 P.M. - 10:00 P.M. on weekdays, and from 8:00 A.M. - 10:00 P.M. on weekends and holidays.

In the interest of public safety and internal security, inmates must develop approved calling lists and may only call numbers that are on the inmate's approved calling list. When inmates arrive at a permanent institution, they may submit a list of up to ten names and numbers that they would like to be able to telephone. The list is compiled by institutional staff and may be updated at six month intervals throughout incarceration. The department reports that, by allowing inmates to call only approved numbers, the opportunities to engage in telephone scams or make other types of unwanted calls are immensely reduced.

Surveyed family members have stated that the requirement to approve the call recipients in advance can delay and prevent calls to family members, even for a period of up to several months, especially if a family member moves or changes telephone numbers. Furthermore, because the list is limited to ten numbers, it is reportedly difficult to contact family members who are not on the approved list when there are difficult times because by the time the new number is approved, the problem is typically over. Finally, some family members have reported that the ten number limit is overly restrictive, especially when an inmate has a large number of immediate family members.

There is a procedure for placing inmate calls. In order to place a call, the inmate first dials his or her personal identification number (PIN), then the number being called. If the telephone number dialed matches an approved number for the inmate's PIN number, the telephone system will connect the call. When the call is answered, a pre-recorded message identifies the call as originating from a correctional institution, notifying the call recipient that the call may be monitored. For example, long distance calls placed through MCI begin with the following narrative:

"You have a call from _____, an inmate at a correctional facility. This call may be monitored and recorded at any time. This is a long distance call. The charge will not exceed three dollars and four zero cents for the first minute and four zero cents for each additional minute. If you will pay, dial three now."

Inmate's calls have time limits. Although the rules of the department simply limit calls to "a reasonable amount of time necessary to accomplish the purpose of the call," most institutions restrict calls to ten minutes, and many prohibit inmates from making more than one call a day. As the time limit approaches, the inmate caller is warned twice electronically, before the call terminates. These length of call limits are intended to insure that every inmate has the opportunity to use the phone. However, survey respondents have stated that a ten minute limit makes it difficult for the inmate to talk to all family members, especially children.

Inmates are authorized to place calls in times of family crisis, including death or serious illness in the immediate family or serious marital or other family problems. All such calls must be approved by the chaplain or other official designated by the superintendent who is responsible for verifying the existence of a crisis, if possible.

Finding 4 It can be very expensive to accept phone calls from a family member in prison. Under the current rate caps provided by the Public Service Commission, a ten minute phone call may cost anywhere from \$2.40 to \$6.55. Surveyed family members estimated spending an average of \$69.19 a month accepting telephone calls from the inmate. Additionally, some telephone service providers have a history of overcharging inmate families.

One of the most frequent complaints from family members is that the cost of accepting calls from the inmate is burdensome. The family members surveyed spend an average amount of \$69.19 per month accepting phone calls. The interaction of several factors has resulted in exceedingly expensive calls. First, inmates may only make collect calls. Furthermore, parties accepting those calls have no opportunity to "shop around" for the service provider with the lowest rates. Finally, the department receives a sizeable commission from the telephone charges paid by families.

In Florida, inmates may only make collect calls. It is true that, for inmates with limited cash resources available, a collect calling system may actually encourage contact by providing inmates with a greater degree of access to telephone services. The policy of collect calling is, in fact, endorsed by the American Correctional Association (ACA). However, although a collect call system may make telephones more accessible to inmates, it increases the financial burden placed on families, as collect calling is one of the most expensive methods of placing a call.

The rates that telephone companies can charge for service provided in Florida is regulated by the Public Service Commission (PSC). The following chart compares the current regulatory caps with the rates contracted for by the department. Those rates are similar to the rates that would be charged to a person making a collect call on a public pay phone in the free world if the caller did not take advantage of the ability to choose a service provider.

INMATE TELEPHONE CALLING RATES

Type of Call	Regulated Caps	Contract Providers	
		MCI	Sprint
Local (Local collect calls from within a local telephone company's calling area.)	No cap	\$.12-.28	\$.12-.28
Intralata*(within the local telephone company's service area)	\$.14-.25	\$.12-.28	\$.12-.28
Interlata billed by Payphone Company** (from one local telephone company's service area to another within the state)	\$.25	\$.12-.28	\$.12-.28
Interlata billed by Long Distance Company***	\$.26	\$.12-.28	\$.12-.28

Interstate (from Florida to another state)	\$.40	\$.40	\$.40
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Surcharges (additional amount billed to an end user, such as operator charge or end use fee)

Local			
Intralata	\$1.00- 1.50	\$1.75	\$1.10
Interlata billed by Payphone Company	\$1.25	\$1.75	\$2.25
Interlata billed by Long Distance Carrier	\$2.45 - 3.95	\$1.75	\$2.25
Interstate	\$3.00	\$3.00	\$3.00

Source: Florida Public Service Commission, October, 1998

* Intralata calls will be billed the rate approved for the local telephone company providing service to the individual inmate facility.

** Interlata calls billed directly by or on behalf of the pay telephone company can be billed no more than that listed in Rule 25-24.516, F.A.C.

*** Interlata calls billed by a long distance company can be billed no more than AT&T's time of day rate.

Finding 5 Families and friends of the inmate are the primary source of income for the Inmate Welfare Trust Fund, which collected almost \$49 million in revenues in FY 1997-98.

Finding 6 Most of the Inmate Welfare Trust Fund is not spent in a way that directly benefits families. In FY 1997-98:

- \$78,550, or less than 1%, was spent on visiting pavilions; and
- \$28,605,777, or 59%, was spent on operating expenditures, including more than \$5 million for employee salaries.

Below is a recent chronology of legislative changes to the Inmate Welfare Trust Fund:

**CHRONOLOGY OF LEGISLATIVE CHANGES TO
THE STATUTE GOVERNING THE INMATE WELFARE TRUST FUND**

Chapter 94-273, Laws of Florida

- required monies to be annually appropriated and required reports to Legislature
- limited uses to education, chapels, libraries, visiting pavilions, inmate clubs, legal service
- mandated that education receive at least 50% of the IWTF expenditures
- prohibited cable and televisions from being purchased
- omitted recreation as an expenditure category

Chapter 96-312, Laws of Florida

- required the reports to the Legislature to include a "verification of telephone commissions"
- expanded the use of the fund to include substance abuse treatment and transition and life skills programming
- required the department to develop administrative procedures to verify that the contracted

- telephone commissions are being received and that persons who have accepted the calls from inmates are being charged the contracted rate
- required items for resale at canteen and vending machines be at fair market prices

Chapter 97-78, Laws of Florida

-clarified that private vendors operating private correctional facilities shall fund through the inmate welfare trust fund an adequate number of chaplains and support staff to operate chaplaincy programs

Chapter 98-388, Laws of Florida

- created a separate trust fund, the Privately Operated Institution Inmate Welfare Trust Fund, for receipts from the private facilities from telephone commissions and canteen proceeds

In 1994, at the request of the Legislature, the Office of Program Policy Analysis & Government Accountability (OPPAGA) published a performance audit of the Inmate Welfare Trust Fund (Report # 94-21) which found, among other things, that the department did not have procedures to verify the accuracy of telephone commissions received by the department and was not using the funds in a manner consistent with telephone commission purposes. OPPAGA recommended to the 1995 Legislature that verification procedures be established. As shown in the chronology above, the Legislature followed the OPPAGA recommendation and required in law that administrative procedures be established. In a 1997 follow-up report (Report # 96-46), OPPAGA reported that the department has taken action to verify telephone commission receipts but that the department had not discontinued funding positions from telephone commissions that were not directly related to inmate welfare.

In addition to the burdens inherent in a collect calling system, telephone service providers have created additional problems for families. Telephone service providers have overcharged. In 1991, the Public Service Commission found that Peoples Telephone Company (PTC), a phone company under contract with the department, had overcharged inmate family customers and failed to pay the department its proper commissions. The department terminated the contract, and PTC agreed to a settlement which included requirements that PTC would, among other things, pay the department unpaid commissions and refund customers overcharges in the amount of \$653,000.

Finding 7 Other states with large correctional populations, such as New York and California, are using revenue from inmate telephone commissions to provide direct services for inmate families, such as visitor centers and transportation to remote prisons.

Finding 8 In a survey of families visiting Florida correctional institutions, 21 respondents independently asked that the package permit policy be reinstated, stating that it was meaningful for families to be able to send "care packages" with religious materials, books, newspaper articles and family photos, especially on birthdays and holidays.

Although no longer permitted, another method families have used in the past to maintain contact through the mail is by sending packages. This former policy allowed families to periodically send birthday and holiday presents or other care packages to inmates on special occasions. A family member surveyed stated:

"Family members need to be able to send 'care packages' with religious materials, books, newspaper articles and family photos, especially on birthdays and holidays. It is much less costly and keeps the family bond."

History of Package Policy

Prior to 1995, packages for inmates were processed under a package permit system. A person wanting to send an inmate a package would first ask the inmate to request a package permit. Upon approval, a permit was mailed to the requesting party, who then attached the permit to the package prior to mailing. Inmates could receive up to four packages per year.

Prior to delivery to the inmate, all packages were opened and inspected by mailroom staff. Package contents were restricted as to weight, value and number. Furthermore, packages could not contain any smoking tobacco, cigarettes, cigars, or alcohol, or include anything that could be purchased in the canteen.

Current Package Policy

In 1995, the department prohibited families from sending packages into the institutions. According to the department, the incidences of contraband entering the prisons had escalated to the point of posing a security threat. In FY 1994-95, 3,203 incidents of contraband were reported to the department's Inspector General office. In FY 1997-98, 3,599 incidents of contraband were reported. This modification was followed in 1997 by strict restrictions on the amount and type of personal property and clothing inmates may receive and keep. [Rule 33-3.0025, F.A.C.]

As a result, the only items that families may purchase for inmates are magazine subscriptions or books - each of which may only be mailed directly from a publisher. Families may not send such publications directly from home.

The primary impact of the rule is that families now must provide the inmate with money to buy personal items in the canteen, rather than purchase the items personally on the outside. Many survey respondents complained about the compounded burden experienced as a result of the elimination of both packages and personal property. For example, items purchased in the canteen, although sold at market price, are often more expensive than what a family member might be able to find on sale. Specific complaints addressed the need to send: gifts at much cheaper cost; religious materials; books; photographs; newspaper articles and magazines. Furthermore, the ability to provide a personal gift for the inmate was an experience that many family members found beneficial and personally rewarding.

House Committee on Corrections' staff conducted a telephone survey from July to September 1998 to determine the package policy in other states. Four of the twelve states, California, New York, Illinois and Georgia, with the largest prison systems continue to allow families to mail packages directly to the inmate, although some restrictions apply. Furthermore, six states, Ohio, Michigan, Pennsylvania, North Carolina, Virginia and Missouri, allow families to purchase items from a designated vendor approved by the department. These pre-approved packages are not limited to merely publications, but include other personal items. California is currently considering a system in which vendors would be recognized to sell care packages for inmates to family members. The packages would contain only property that was pre-approved by the department of corrections. This proposed system would allow family members to recognize inmates on special occasions, and to select the items personally, while also allowing institutions to control the types of property inmates receive.

Finding 9 The majority of state prisons are in remote locations, usually without convenient public transportation services. For example, the most remote prison, Century C.I., is approximately 700 miles from Miami. Furthermore, proximity to family members is not the primary factor in assigning an inmate to a prison. According to surveyed family members, the travel distance required to visit was the greatest burden experienced as a result of having a family member in prison.

Every family visit begins with some sort of travel. For some families, the trip to the institution can be as short as 20-30 miles. For example, a woman living in Miami may have her son incarcerated in nearby Dade Correctional Institution. However, the department may move her son to Century Correctional Institution, for example, in the panhandle. This relocation would require the inmate's mother to drive 700 miles in order to visit. Even a trip from Orlando would be roughly 480 miles. Because visiting hours begin between 8:00 A.M. and 9:00 A.M., even a simple four hour trip would require family members to leave home by 4:00 A.M. in order to arrive at the institution on time.

A related issue is the family member's ability to get to the visiting area at all. A surveyed family member stated:

"It is very difficult and stressful to drive to the prison and back in one day. I cannot afford to stay over night and divide the trip into two days."

An ACA accreditation standard requires that information about transportation be provided to visitors by the institution. Furthermore, the standard requires that transportation between the institution and nearby

public transit terminals should be facilitated by the institution. Finally, it encourages institutions to try to provide transportation for visitors, particularly when transportation costs are significant.

In accordance with this standard, the rules of the department require institutions to post a schedule of public transportation information in a place easily accessible to visitors and inmates. Such information should include cost of services, phone number and locations. On one site visit, committee staff located the posted information on the bulletin board in the visiting area. Three bus services were listed, however, none of the phone numbers offered were current.

Finding 10 Although described as a meaningful experience for families, there has been a statewide trend to prohibit inmate families from attending chapel with the inmate. Sixteen institutions currently provide such services. Sixty-one percent of correctional officers surveyed feel such services create a serious security threat. However, this may be related to the fact that many institutions do not provide security staff for chapel services.

Although becoming less common, sixteen institutions continue to allow visitors to attend the institutional worship service together with the inmate. This opportunity was one of the positive visiting programs offered by the department that family members described. Although the rules of the department still afford superintendents the discretion to authorize such services, it appears that the statewide trend has been to end such services because of staffing limitations and security concerns.

Sixty-one percent of the officers surveyed felt that allowing family members to attend worship services with the inmate creates a serious security threat. However, this may be related to the fact that many institutions do not assign security officers to the service. These officers point out that allowing joint worship during visitation creates a contraband problem, and that when security officers are not assigned to the chapel for such joint worship, visitors have unsupervised contact. On the other hand, 39% of the officers felt that such joint worship does not create a serious security threat, agreeing that, with the proper security measures, a worship service that includes visitors can be a positive program.

Finding 11 Typically, institutions rely on the inmate to provide family members with information about visiting. Both visitors and correctional officers expressed frustration that institutions do not provide visitors with advance information about visiting rules and procedures, or about other policies of the department.

The rules of the department require each institution to develop visitor information sheets summarizing the basic visiting procedures and rules, and providing unique information about the local facility. [Rule 33-5.008, F.A.C.] The rules further require that this information sheet be "*made available* to the inmate within 24 hours after arrival at the facility" so that a copy may be included in correspondence from the inmate to prospective visitors. Additionally, the superintendent must post all policies regarding visitors at the entrance of the institution and in the visiting area and provide copies on request.

It is generally the inmate's responsibility to ensure that visiting information is sent to prospective visitors. However, inmates may not always follow through with this. When an inmate fails to inform family members about the rules of the institution, it is the family members who are adversely impacted, driving hours only to find out that they have come on the wrong visiting day, or at the wrong time. A common complaint heard from family members was that they felt uninformed about the visiting procedures at different institutions. Sixteen respondents independently stated that advance information on visiting policies would be helpful. Even correctional officers remarked on the visitors' lack of understanding of the rules, and ten officers who work the visiting park independently recommended that the institution should provide every approved visitor with a copy of the institutional visiting policies. Fourteen officers listed visitor unfamiliarity with the rules as a major problem in the visiting area.

According to the survey, officers are being forced to turn visitors away daily - because they are wearing the wrong clothes, have arrived on the wrong visiting day, have not been approved to visit, or do not have appropriate identification. Officers even reported turning visitors away because the inmate they had arrived to visit had been transferred or was at an outside hospital. Therefore, it seems that visitors are not only unfamiliar with the visiting rules, but may at times even be unfamiliar with the status of their family member.

This confusion over the visiting rules is enhanced by what appears to be a lack of consistency in application. Many of the rules require officers to make a subjective interpretation, such as whether an outfit meets the dress code, or whether a certain article of personal property is allowed in the visiting area.

Fifty-three percent of the officers surveyed believed visiting rules must be followed exactly as written regardless of the circumstances, while the remaining forty-seven percent felt that officers should use their best judgement and consider the situation in applying visiting rules. One officer reported disliking to work in the visiting area because it is run very differently from week to week, depending on which officer is in charge. Overzealous officers and inconsistent application of the rules were independently described as problematic by nine surveyed correctional officers.

Finding 12 According to the survey, visiting policies, such as the dress code, are not uniform among institutions. Furthermore, both officers and family members reported that policies are often applied inconsistently or in a biased manner.

During registration, officers also determine whether visitor attire is acceptable under the institutional dress code. Correctional officers reported that the most common reason for sending a visitor away was for improper clothing, including inappropriate shoes or lack of an undergarment. The rules of the department provide that visitors will not be admitted if "they are not appropriately clothed or are dressed in revealing attire," including miniskirts, see-through blouses, bra-less attire, tank tops, swimsuits, shorts, undershirts and other like attire. However, individual institutions are authorized to expand on this definition.

Because the institutional dress code varies by institution, and because the requirements may be applied differently by different officers, family members may be uninformed and confused regarding what is acceptable. For example, some institutions allow visitors to wear shorts, provided that they are not tightly fitted, while other institutions add that such shorts may not be shorter than two inches above the knee. At least seven institutions prohibit shorts entirely.

More important, if the inmate has not mailed the visitor a copy of the visiting procedures, the visitor may be completely unaware of the dress code, at least on the first visit. Some institutions address this problem by making smocks available to visitors who arrive dressed inappropriately. Visitors may also return to their vehicle to change clothes, although this may require the visitor to return to the end of the processing line. Eighteen percent of the officers surveyed stated that dress code issues are one of the biggest problems in the visiting area.

Finding 13 Outdated processes and equipment and lack of staff cause frequent delays in processing visitors. Visitors often expressed frustration at the slowness of the check-in process typically complaining that they had to stand in long lines outside the institution, exposed to inclement weather.

Visitors must check-in for visits. In order to insure compliance with institutional and department rules, all visitors must go through a registration procedure prior to entering the visiting area. Depending on the institution, and the specific visiting day, this can either be a somewhat swift process or require an extensive wait.

As the hour approaches for the visiting area to open, visitors who have arrived early begin to line up for processing. These lines can be extremely long, especially at large institutions closer to urban areas, and sometimes up to two hours is spent just waiting in line outside the institution. The most frequent complaint made by surveyed family members was that visitor check-in is too slow.

In addition to the visiting time that is lost, this time spent standing in line can be extremely uncomfortable as it is typically done in an area that is not designed for such waits. Having to wait outside in bad weather conditions was also a frequent complaint of family members. The outside waiting area may or may not have seating, or even shelter, as thirty percent of the institutions do not provide a covered waiting area. As a result, families, including children, elderly visitors and disabled visitors, are left to stand outside in the heat or rain, possibly for up to two hours. Twenty-five percent of the institutions do not even have restrooms available to the visitors in this waiting area.

Generally, although the visitors line up early, they are not checked in until visiting hours officially begin. However, in recognition of the visiting time lost during processing, at least 12 state institutions and two private facilities allow officers to begin registering visitors anywhere from 15 to 45 minutes before visiting begins, although inmates are not called until the official visiting hours begin.

After waiting in line, visitors are processed through security. Each adult visitor must first present the registering officer with valid picture identification and name the inmate they will visit. Because the visiting registration system is not computerized, the officer must then look through cardboard boxes containing

every inmate's approved visiting list in order to pull the list for the requested inmate. The officer then uses the identification to insure that the prospective visitor is listed on the inmate's approved visitor list. The officer also checks the inmate's approved list to determine whether the inmate's visiting rights are "restricted by statute," as a sex offender, prohibiting the inmate from receiving visits from minors. Upon approval, the visitor's hands are stamped in a location that changes daily. This stamp is verified under a black light at the conclusion of the visiting hours.

Finding 14 Both officers and visitors expressed mutual concern over the level of courteousness in the visiting area.

When asked to comment generally on the correctional system, 22% of the visitors surveyed discussed the attitudes of officers, describing them as impolite, uncaring, rude, power hungry, unfriendly and having a derogatory attitude. These visitors felt that they were treated "like dirt," or like criminals. And, in fact, 65% of the officers surveyed did not believe that visitors were generally honest, law-abiding citizens.

On the other hand, 31% of the officers said that disrespectful visitors were a major problem in the visiting area, and such visitors were a common reason given for not wanting to work in the visiting area. However, three correctional officers commented that visitors were not entirely to blame, pointing to overzealous correctional officers as part of the problem. Therefore, it seems that the problem is twofold.

The department has, to some extent, recognized that working in the visiting area can be a very different experience from other post assignments, and has promulgated rules which provide that although security staff must maintain order, they must also maintain "a courteous attitude toward the inmate and visitor" and should not interfere in the visits unless there is a violation of the rules or other disruptions. Aside from the rule, little has been done to implement this policy, and officers do not receive any additional training for the unique complications of the post.

Finding 15 According to the survey, the average visitor is a fifty-year-old mother visiting her son.

Finding 16 Although an important and necessary security measure, the pat down search can be a degrading and humiliating experience. Ninety percent of the visitors surveyed said they undergo a pat down search every time they visit.

After registration, but before entering the visitor area, visitors are generally searched. Visitors may be required to submit to a search of both their person and possessions as a condition of admittance to the visiting area. Visitors are not forced to undergo a search, but a refusal is grounds for denial of both the current visit and future visits.

Routine Pat-down Search

Generally, routine searches include:

- A search, inside and outside, of any hand carried items;
- A touching of the hair and scalp;
- A visual inspection of ears, nose and mouth;
- Removal and search inside shoes and gloves;
- Removal of any outer wear worn over the first layer of exterior clothing;
- A visual inspection and touching of the interior and exterior of outer wear, including pockets and the first layer of exterior clothing over underwear;
- A touching of the clothes worn next to the body, such as stockings and socks, using pressure; and
- Use of metal detection devices.

Ninety-six percent of the family members surveyed reported being pat-searched every time they visit. During a routine pat-down search, a visitor may be subjected to touching in the crotch and/or genital area. Even though such searches are performed by an officer of the same sex, for the average visitor, a fifty year old mother, such contact can be both demeaning and humiliating, especially when officers may not be very sensitive to the delicacy of the situation.

Strip Search

If an officer has specific factual reasons to suspect that a visitor is concealing contraband, and the suspicion can't be resolved with a less intrusive search, then a strip search may be conducted. However, a shift supervisor must first approve the search after evaluating the grounds asserted to justify its necessity. Furthermore, the visitor must sign a written consent to the strip search. If the visitor refuses to consent to a strip search, the visit may be denied. Strip searches must be performed by an officer of the same sex as the visitor. Only five percent of the survey respondents reported having been strip searched at a visit.

Body Cavity Search

Under the rules of the department, body cavity searches may never be authorized. If a strip search is insufficient to resolve suspicions about the visitor, then the visitor must be denied admission.

Finding 17 Most visiting areas have nothing for children to do during visiting. Only five institutions provide anything for children. All five have either toys or books or both available for children inside the visiting area. One of these five, a private facility, also has a small outside playground area.

Most institutions have both an inside and an outside visiting area. Inside, there are generally rows of tables and chairs in a room with concrete block walls and concrete floors without carpeting. This inside room can be quite loud when full of inmates, children and visitors.

The rules of the department state that the visiting area should be "furnished informally whenever possible and should have small tables, chairs and other informal furnishings." Of the 54 institutions, four do not have tables in the visiting area. Furthermore, one out of every four institutions report that they do not have enough seating to accommodate the maximum capacity of visitors.

Finding 18 When visiting areas are not modified to accommodate children, the visiting experience can be difficult for everyone involved - the child, the parents, and the correctional officers - as small children are expected to sit quietly for up to six hours. Fifty-two percent of the officers surveyed think that it is inappropriate to even bring children to visit a family member in prison. However, 17 officers independently suggested that if children are to be allowed, the institution should provide some sort of activity for them, such as a VCR, toys or a playground.

Children are a very prominent feature in the visiting areas. Forty-five percent of the inmates in Florida have one or more minor children, and seventy percent of the family members surveyed said that the inmate's children currently visit the inmate. There are currently no limits on the number of children that may visit an inmate at one time, and approved visitors may bring their own children, even if the child is not related to the inmate. In spite of their consistent presence, little has been done in Florida to accommodate visiting areas for the presence of children.

The rules of the department require that children in the visiting area must remain under the control of their parents at all times. However, as many family members and correctional officers remarked, it can be difficult to maintain good behavior in children for a six hour visit when there is nothing to keep them occupied. For security reasons, most institutions prohibit children from bringing toys, books or games into the visiting area. Although such objects could occupy the child, they also reportedly provide a potential hiding place for contraband. With nothing to do, children are expected to sit quietly at the table with their parents.

In response to this problem, five institutions have instead provided toys or books for children in the visiting area. One of these institutions, a private facility, has even developed a small outside playground area. For the most part, however, institutions are doing very little, if anything, to encourage parents to interact with their children, or to even assist parents in keeping children occupied during visiting hours. Ninety-three percent of the institutions in Florida have made no attempts to accommodate children in the visiting area.

Correctional officers are also keenly aware of this problem, listing "restless and misbehaving children" as one of the major problems in the visiting area. However, correctional officers may view the problem from a different perspective, as children in the visiting area can make supervisory duties all the more difficult. Officers must insure that children are controlled by their parents, and that bored children do not bother other visitors, or behave in a manner that could cause injury to themselves or someone else. Officers

also expressed concern over the possibility of sex offenders in the visiting area having contact with other people's children. In fact 52% of correctional officers who work in the visiting area feel that it is inappropriate to even bring children to visit a family member in prison. However, if children are not to be completely prohibited from the visiting area, 30% of officers suggested that activities for children should be provided, such as toys, a VCR with cartoons, or a playground. Other suggestions included:

- Limiting the number of children per inmate or visitor;
- Prohibiting children from visiting;
- Prohibiting young children from visiting;
- Requiring more supervision by parents;
- Permitting visits by only the inmate's children; and
- Designating visits from children as special visits and isolating them from other inmates.

Finding 19 According to the survey, visiting area vending machines can be costly, contain unhealthy food, and are often empty before the visiting time period is over. The correctional officers surveyed repeatedly reported that difficulties associated with vending machines are a major problem in the visiting area.

For families separated by incarceration, sharing a meal can be a meaningful experience, a replication of an everyday occurrence that families on the outside generally experience together. Although allowed in the past, institutions now generally prohibit visitors from bringing home-cooked meals or other food into the visiting area for security reasons - it is reportedly very difficult to find contraband such as weapons and drugs in food. Therefore, in light of this prohibition, each institution makes food available during visiting hours through either an inmate operated canteen, vending machines, or a combination of both. All profits derived from these operations are reportedly deposited in the inmate welfare trust fund, although the law is less than precise on this point.

With little else to actively participate in together, sharing a meal is a common activity in the visiting area. Furthermore, it is the only means of eating for the six hours of visiting, as most institutions do not allow visitors to leave the institution and return later that day.

Because food is such a common part of the visiting area, it can also be quite problematic. Twenty-seven family members commented on difficulties with food service in the visiting park, primarily in institutions offering only vending machines. According to these family members, vending machines are often empty before visiting hours are over. Furthermore, they reported that vending machines break down frequently and offer a very limited selection of food. The choice of food was of particular importance to visitors with children. Several parents commented that it was very difficult to find healthy food suitable for children in the vending machines, pointing out that the inundation with sugary junk foods made the children even more restless.

Correctional officers agreed that food service was problematic, and fifteen percent listed vending machine complications as a major problem in the visiting area. Vending machines are typically operated by private companies. Therefore, correctional officers are unable to personally deal with problems with the machines as they arise, although the visitors look to them for relief.

Fifty-seven percent of the officers stated that canteens were the better means of providing food in the visiting area. Although canteens can provide fresher food and more variety, they are also associated with problems. Because canteens are operated by an inmate, the canteen puts inmates in a position of accepting money, and possibly other objects, from visitors. Furthermore, canteens require visitors to wait in yet another line as a part of the visit.

Finding 20 According to the survey, correctional officers perceive the lack of assigned staff to be the biggest problem in the visiting area. Seventy-two percent of correctional officers surveyed believe that the visiting area is understaffed.

At most institutions, officers are assigned to work the visiting area by the shift commander. Positions in the visiting area are not considered "critical posts" and are therefore staffed by officers who would otherwise be working in another area of the institution. Because the administration may be hesitant to draw staff away from other institutional posts, the visiting area may often be understaffed.

Seventy-two percent of the officers surveyed reported that there are not enough officers working in the visiting area. In fact, lack of staff was the most frequently listed major problem in the visiting area. This

lack of staff may contribute to the slow registration process. As a result, officers may also be more inclined to support restricting the visiting environment to only the bare necessities, as this makes the job somewhat more manageable.

Working in the visiting area can be a very different experience from other institutional posts. Visitation is one of the rare instances in which officers interact with people who are neither inmates nor correctional personnel. Many officers report that they value this chance to develop different skills, stating that they enjoy the opportunity to work with and meet the public and the families of the inmates.

However, even though most assigned officers enjoy working in the visiting park, approximately a fourth do not. These officers explained that visitors do not understand the security justifications behind the rules and therefore frequently test them. One officer described visitors as "hot, loud and obnoxious." Another termed the post "a boring and thankless job." These differing approaches to working in the visiting area may account for the seemingly tenuous relationship between a vocal minority of visitors and officers.

For the most part, both officers and families report that attitudes in the visiting area are generally positive - with 64% of the families reporting that officers were generally courteous, while 60% of the officers said the same about visitors. However, for the minority that felt differently, the problem seemed to be of great importance.

Finding 21 One out of every four visiting areas does not have enough seating to accommodate the maximum capacity of visitors.

Finding 22 Ninety-three percent of correctional officers surveyed view the property restrictions in the visiting area as effective. Although these restrictions have reportedly made controlling contraband less burdensome for correctional officers, they have also had an impact on families, who complain they can no longer bring family meals or toys or coloring books for children.

Recommendations from Interim Report

The House Committee on Corrections' staff made the following recommendation based on the above findings.

Recommendation 1: The Legislature should amend s. 945.215 to require that a percentage of the inmate welfare trust funds be spent on improving family contacts.

Recommendation 2: The Legislature should prioritize inmate welfare trust fund appropriations to insure visitors are not forced to be in inclement weather.

Recommendation 3: The Legislature should amend s.20.315, F.S. to create an Office of Family Services within the Department of Corrections. The mission of the newly created office will be, at a minimum, to advocate and facilitate policies and programs which encourage family contact and frequent family visits. The office will also be required to develop and disseminate information on visiting regulations and processes to approved visitors, provide specialized training for officers who are regularly assigned to the visiting area, periodically audit and review institutional visiting, mail and telephone procedures and identify visiting area physical plant deficiencies which may directly impact family members, serve as a centralized communication point to receive and respond to questions from family members, and develop and operate a formal family grievance process for family members.

Recommendation 4: The Legislature should require the department to study and report back to the Legislature on the feasibility of the following:

- Creating and disseminating an informational guidebook to assist families in understanding the rules and policies of the department;
- Returning to a policy of allowing families to send a limited number of packages to inmates or creating a system for standardized care packages;
- Piloting an alternative method of institutional telephone service which can shift the burden of paying from the family to the inmate or allow the paying party to choose the service provider, while maintaining the commission and not compromising security;

- Providing activities for children, especially activities that offer inmates the opportunity to interact with their own children;
- Consulting with correctional officers to consider ways to deal with children in the visiting area while still encouraging children to bond with parents;
- Addressing the staffing needs of the visiting area and consider implementing civilian positions or using temporary assignments;
- Examining the current food service methods in visiting areas;
- Using the Internet to provide visiting information;
- Providing specialized training for officers working in the visiting area; and,
- Any other propositions that may benefit the family without jeopardizing security.

Department of Corrections' Contracts with Governmental Agencies

The 1996 Legislature codified the authority for the Department of Corrections to engage in construction and public service activities it had been previously engaging in prior to the passage of such authority. See, Ch. 96-312, s. 40, 1996 *Fla. Laws* 1413, 1447-1449. This language created in subsection (7) of s. 944.10, F.S., unequivocally allowed the department to be able to charge nominal fees for providing services and be able to recoup costs incurred in providing such services.

The program created by the 1996 statutory authority is called the "Design/Build Program." According to the department, the focus of the program and statute is to use inmate labor to construct buildings. The department maintains that design services are provided only to support inmate construction activities. The design services vary from new designs to reusing prototype plans. The department states that, to date, most of the "Design/Build" projects have been designed by private sector architects when a modest amount of design services are warranted.

Rather than contracting for private professional services, the department employs architects, engineers, and draftspersons who use computer-aided drafting systems to prepare construction and renovation documents for buildings owned or leased by the department. According to the department, it has chosen to employ such personnel rather than contracting with outside architects and engineers because it believes it is much more cost-efficient for the state to do so. The buildings that are subject to such efforts by the department are designed to facilitate the use of inmate labor as much as possible.

According to the department, other state agencies and local governments have, rather than contracting with private architects and engineers, requested assistance by the department for both correctional and other public service projects. The department has also provided inmate labor for these projects.

The department has stated that it has encouraged such projects because it has found the projects to be mutually beneficial for the department and to local and state governments. Some of the benefits cited by the department are as follows.

- a. Such projects strengthen the department's partnerships with other governmental entities.
- b. Significant cost savings by other agencies and local governments are realized when the department allows such entities to use the department's designs and inmate labor, which enables them to undertake projects that they would not otherwise be able to afford.
- c. Such projects reduce inmate idleness by providing jobs for inmates jobs.
- d. Such projects provide inmates with skills and training that can be utilized by them after their release from prison.

The department has used inmates to construct prisons for a long time and has one of the largest inmate construction programs in the country. As a result, the department occasionally contracted with other state

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agencies to use inmates to construct buildings. The department has also always attempted to provide inmate labor for community service purposes to local communities and other state agencies.

The department has provided the following information on completed projects and projects under contract with other state agencies utilizing the Design/Build Program.

Completed Projects: Hendry Wilderness
Cost of Project: \$2,100,000
Location: Hendry County
Agency: Department of Juvenile Justice
Scope: Construct a new multi-building facility
Inmate Hours: 57,247

Completed Projects: Tri-County Work Camp Conversion
Cost of Project: \$500,000
Location: Marion County
Agency: Department of Juvenile Justice
Scope: Renovate a multi-building DOC work camp to single cell housing for juveniles

Inmate Hours: Estimated at 8,500

Completed Projects: MaCarty Phase I
Cost of Project: \$40,000
Location: Orlando
Agency: Department of Management Services
Scope: Renovation of interior office space
Inmate Hours: 2,000

Completed Projects: MaCarty Phase II
Cost of Project: \$120,000
Location: Orlando
Agency: Department of Management Services
Scope: Construction of CMU Wall
Inmate Hours: 4,079

Completed Projects: Wall of Orlando - Phase I
Cost of Project: \$150,000
Location: Orlando
Agency: Department of Juvenile Justice
Scope: Construction of CMU Wall
Inmate Hours: 17,839

Completed Projects: Wall of Orlando - Phase II
Cost of Project: \$60,000
Location: Orlando
Agency: Department of Juvenile Justice
Scope: Change metal panels to block
Inmate Hours: 2,051

Completed Projects: Citrus County Maximum Risk Facility (Level 10)
Cost of Project: \$500,000
Location: Citrus County
Agency: Department of Juvenile Justice
Scope: Provide labor to construction manager on a new facility
Inmate Hours: 28,905

Total Cost of Project: \$3,470,000
Total Inmate Hours: 120,621

Projects Under Contract: Avon Park - Phase I

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Cost of Project:	\$1,000,000
Location:	Polk County
Agency:	Department of Juvenile Justice
Scope:	Renovate Air Force housing, medical & ADA complaint
Inmate Hours:	Estimated 8,500
Projects Under Contract:	Avon Park - Phase II
Cost of Project:	\$2,100,000
Location:	Polk County
Agency:	Department of Juvenile Justice
Scope:	Design and build food service, academic, and administration buildings
Inmate Hours:	Estimated 70,000
Projects Under Contract:	Sebring Building
Cost of Project:	\$4,100,000
Location:	St. Petersburg
Agency:	Department of Juvenile Justice
Scope:	Design/renovate 5 story office building
Inmate Hours:	Estimated 65,000
Projects Under Contract:	Marion Assessment Center
Cost of Project:	\$230,000
Location:	Ocala
Agency:	Department of Juvenile Justice
Scope:	Renovate interior office space
Inmate Hours:	Estimated 12,000
Projects Under Contract:	110-Bed Juvenile Detention Facility
Cost of Project:	\$3,700,000
Location:	Santa Rosa County
Agency:	Department of Juvenile Justice
Scope:	Construct a new multi-building facility
Inmate Hours:	Estimated 60,000
Total Cost of Project:	\$11,130,000
Total Inmate Hours:	215,500

Private Correctional Facilities

With the promise of cost-savings, speedy construction and efficient management, the 1989 Legislature authorized the Department of Corrections (DOC) to enter into contracts with private corrections firms for the construction and operation of private prisons. (See Chapter 89-526, Laws of Florida) Despite multiple appropriations by the Legislature in subsequent years, the DOC did not progress toward the selection of successful bidders and any contractual agreement. Implementation of the law was delayed by a series of bid protests, legal challenges, budget reductions, inability of bidders to meet the 10 percent cost savings and disagreements on cost estimates produced by the DOC.

In 1990 and 1991, the Legislature again appropriated funds for the private prison. (See Chapters 90-209 and 91-193) These appropriations were given to the Board of County Commissioners of Gadsden County to develop an RFP and to enter into a lease purchase agreement and private management agreement with a private vendor for a 768-bed institution. In the summer of 1992, U. S. Corrections Corporation, Inc., was selected as the successful bidder and by March of 1995, the state opened its first private prison, housing adult females, under a five-year, \$80 million contract.

Although Gadsden County was initially charged with procuring the private prison, the DOC was later directed to negotiate and manage the contract. This private facility is the only private prison contract managed by the DOC. Sections 944.710-719, Florida Statutes, govern the procurement and operation of the Gadsden Correctional Institution.

To further expedite the progress toward privatization, the 1993 Legislature created Chapter 957, Florida Statutes, which established a five-member Correctional Privatization Commission (CPC) within the Department of Management Services. (See Chapter 93-406, Laws of Florida) The CPC was charged with entering into a contract with vendors for the financing, construction and management of two 750-bed private correctional facilities. Later, Corrections Corporation of America (CCA) and Wackenhut Corrections Corporation were each awarded a contract. The two 750-bed facilities (Moore Haven Correctional Facility and Bay Correctional Facility) were opened in July and August of 1995.

In 1994, the Legislature directed the CPC to solicit contracts for an adult 1,318-bed facility and three 350-bed youthful offender facilities. (See Chapter 94-209, Laws of Florida) Prior to their opening, two of the 350-bed facilities were redesignated to house juvenile offenders under the jurisdiction of the Department of Juvenile Justice. (See Chapter 96-422, Laws of Florida) The CPC awarded the 1,318-bed facility to Wackenhut Corrections Corporation and the facility (South Bay Correctional Facility) opened in February of 1997. Corrections Corporation of America was awarded the remaining contract for a 350-bed facility (Lake City Correctional Facility) which opened in October of 1996. Currently, the state contracts for a total of 3,936 privatized beds.

Description of Current Private Correctional Facilities

The Department of Corrections manages one contract with Corrections Corporation of America to operate:

- One 768-bed prison in Gadsden County* - Opened March 1995

* This facility was originally operated by U.S. Corrections Corporation (USCC). USCC was purchased by Corrections Corporation of America in April of 1998.

The Correctional Privatization Commission manages contracts with Corrections Corporation of America and Wackenhut Corrections Services to operate:

- One 750-bed prison in Bay County - opened July 1995
- One 750-bed prison in Glades County - opened August 1995
- One 1,318-bed prison in Palm Beach County - opened February 1997
- One 350-bed prison in Columbia County - opened February 1997

A. EFFECT OF PROPOSED CHANGES:

HB 2161 would authorize the reorganization of the Department of Corrections. The Secretary of the department would have increased flexibility in the establishment of the middle- and upper-management organizational structure of the department and the administration of state appropriations to perform its duties.

This bill deletes current statutory requirements that there be six assistant secretaries and instead, authorizes the Secretary to have the flexibility to determine which positions are necessary to manage the department. Such positions would be assistant secretaries, directors, and other persons deemed by the Secretary necessary to accomplish the mission and goals of the department.

The reorganizational statute for the department would still delineate several areas of program responsibility. The area of security and institutional operations would provide inmate work programs, offender programs, security administration, emergency operations response, and operational oversight of the regions. The area of health services would continue to be headed by a physician or a professionally trained health care administrator as is the current Assistant Secretary of Health Services. The area of community corrections would be responsible for coordinating community alternatives to incarceration and operational oversight of community corrections in the regions. There will be an area of program services which would be responsible for the direct management and supervision of all departmental programs, including the coordination and delivery of education and job training to offenders and inmates. There would no longer be a separate area delineated for "executive services." Instead, the Assistant Secretary of Executive Services would be moved to the area of administrative services. The area of administrative services would additionally provide the budget and accounting services within the department, including the construction and maintenance of all state correctional facilities.

HB 2161 would narrow the department's administrative structure at the regional level by:

- deleting the requirement that there be five regional offices in the state;
- deleting the necessity that each region develop and submit budgets to be included in the department's comprehensive budget;
- deleting the requirement that there be five regional directors; and
- deleting the requirement that each region have six division directors.

This bill would give the Secretary the flexibility to appoint persons who would oversee the regions that would be established by the Secretary.

The Secretary would have the flexibility to establish regions as he or she so determines as necessary to achieve the mission of the department. Geographical boundaries of the regions will be determined by the Secretary. There will remain the requirement that the provision of community corrections, security, and institutional operational services be accomplished through regional configurations. However, there would be no statutory requirement or limitations as to the number of regions established and no guidance as to the geographical boundaries of the regions as established by the Secretary.

HB 2161 amends subsection (7) of s. 21.315, F.S., by not enumerating four budget entities for the department's summary document for legislative appropriations. Instead, the department will revise its budget entity designations to conform to the budget entities that are designated by the Executive Office of the Governor under s. 216.0235, F.S. The department must remain consistent with ch. 216, F.S., in transferring funds and positions necessary to realign appropriations with the revised budget entity designations. The authorized revisions must still be consistent with the intent of the approved operating budget.

This bill would assume a new goal of ensuring that victim's rights and needs are recognized and met. And, finally, the responsibility for overseeing the inmate grievance process would be moved from the department's Office of the Inspector General to the Office of the General Counsel.

HB 2161 creates s. 944.8031, F.S. which relates to inmates family visitation and programs. This provision will require the department to provide certain minimum services and programs for persons visiting inmates. This bill requires the Secretary to identify any deficiencies in the visitation program and submit legislative budget requests necessary to improve the quality and frequency of family visits and improve visitation services and programs.

This bill amends s. 945.215, F.S., which relates to the Inmate Welfare Trust Fund by requiring that such funds be used for visitation and family programs. It further requires that the funds from vending machines used by visitors go into the fund.

HB 2161 deletes the reference to "planning" and "designing" in subsection (7) of s. 944.10, F.S. as authorized activities for the department in providing services and inmate labor for various projects under contract with governmental agencies. The bill requires the department to study the effects of reorganization upon performance-based program budgeting efforts and submit a report to the Legislature by October 1, 1999. And lastly, HB 2161 requires the Office of Statutory Revision to change the word "superintendent" to "warden" in certain statutory references.

B. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

None.

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

Enhancing the centralization of departmental policy and authority should minimize the extent to which variations in the application of such policy and authority occur in practice between the current regional configuration.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

DOC.

- (2) Who makes the decisions?

DOC.

- (3) Are private alternatives permitted?

No.

- (4) Are families required to participate in a program?

No.

- (5) Are families penalized for not participating in a program?

No.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

No.

- (2) service providers?

No.

- (3) government employees/agencies?

DOC.

C. STATUTE(S) AFFECTED:

ss. 20.315, 944.10(7), 944.31, 944.331, and 945.215.

D. SECTION-BY-SECTION ANALYSIS:

- Section 1.** Substantially amends s. 20.315, F.S. relating to the organization of the Department of Corrections; adds s. 20.315(1)(k), F.S. to the Department of Corrections' Purpose to ensure that the needs of crime victims are met; amends s. 20.315(3)(c), F.S. to allow the secretary of the department discretion to appoint staff as he or she deems necessary to accomplish the mission and goals of the department while deleting provision requiring the secretary to appoint certain staff; changes s. 20.315(3)(c) 1. thru 5., F.S. by deleting provision requiring the secretary to appoint various Assistant Secretaries and creates Security and Institutional Operations, Health Services, Community Corrections, Administrative Services, and Program Services while delineating areas of responsibility for each area; deletes provision within s. 20.315(4), F.S. requiring five regions while providing for regions; deletes certain budget requirements within s. 20.315(7), F.S. requiring the secretary to submit a budget document to the Legislature with four distinct budget entities or alternatively allows the secretary to submit a budget request; authorizes the department of transfer, as necessary, funds among budget entities as designated by the Executive Office of the Governor pursuant to s. 216.0235, F.S.
- Section 2.** Amends s. 944.10(7), F.S. by deleting planning and design from the list of appropriate projects where the department may enter into contracts with federal, state or local governmental entities or subdivisions to provide services and inmate labor .
- Section 3.** Amends s. 944.31, F.S. by deleting inmate grievances from the responsibility of the Inspector General.
- Section 4.** Amends s. 944.331, F.S. by placing responsibility for oversight of inmate grievances with the Office of the General Counsel.
- Section 5.** Amends s. 944.40, F. S., by adding private correctional facilities to the escape provisions of this section.
- Section 6.** Creates s. 944.8031, F.S. concerning inmate visitation. Provides legislative intent and requires the Department of Correction to provide certain delineated services; requires the secretary to identify deficiencies in the visitation program and submit an annual legislative budget request to improve the frequency of family visits and the visitation program.
- Section 7.** Amends s. 945.215, F.S. by extending the use of the Inmate Welfare Trust Fund for visitation and family programs and services; provides that the net proceeds for operating canteens and vending machines extend to visitors; expands the items where funds may be used from the Inmate Welfare Trust Fund to include visiting services and programs, visiting pavilions, and family services and programs; includes visiting services and programs, visiting pavilions and family services and program within items where the Legislature should annually appropriate funds deposited in the Inmate Welfare Trust Fund.
- Section 8.** Transfers Gadsden Correctional Institution currently operated under a contract between the Department of Corrections and the Correctional Corporation of America to the Correctional Privatization Commission.
- Section 9.** Requires the department to study the effects of reorganization upon performance-based program budgeting efforts and submit a report to the Legislature by October 1, 1999.

Section 10. Requires the Office of Statutory Revision to change the word “superintendent” to “warden” in certain statutory references.

Section 11. Provides and effective date of upon become law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill deletes provisions in law that require the appointment of 41 senior management level positions. Savings may result from these and other provisions in the bill.

The House version of the General Appropriations Act contains a reduction of 20 FTE and \$1.9 million due to Senior Management position reductions. Conference committee negotiations on the General Appropriations Act were not complete at this time this analysis was printed, but Senate conferees have tentatively agreed to accept the House position on this reduction.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 2161 does not require counties or municipalities to spend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 2161 does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 2161 does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

Since the 1996 reorganization of the department, staffing levels for Select Exempt Service (SES) and for Senior Management Service (SMS) has about doubled. In the department's central office, the number of SES and SMS staff increased from 53 in 1995 to 82 in 1999. The number of SES and SMS staff in the five regions went from 31 staff in 1995 to 58 staff in 1999.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Criminal Justice Appropriations committee reported H2161 favorably with four amendments as follows:

Amendment 1 provides rule-making authority for community corrections and authorizes the department to take digitized photographs of inmates or offenders under its supervision.

Amendment 4 provides for a review of reorganization efforts by the Office of Program Planning and Governmental Accountability.

Amendment 5 provides a statement of legislative intent that no employees shall lose their job as a result of the department realignment. In addition, the amendment provides that employees may voluntarily choose reassignment to another job or location and that all personnel actions taken are in accordance with career service rules and regulations.

Amendment 6 provides that private correctional facilities are considered to be owned by the Correctional Privatization Commission. The amendment also provides for payments in lieu of taxes to local governments for facilities that were bid and built pursuant to requests for proposals issues by the Correctional Privatization Commission between December 1993 and October 1994.

VII. SIGNATURES:

COMMITTEE ON CORRECTIONS:

Prepared by:

Ken Winker

Staff Director:

Ken Winker

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AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:
Prepared by: Staff Director:

James P. DeBeaugrine

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