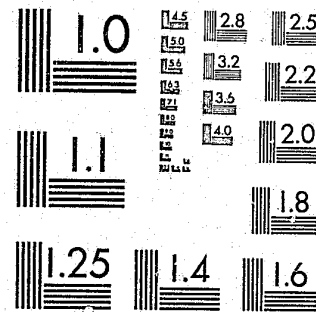


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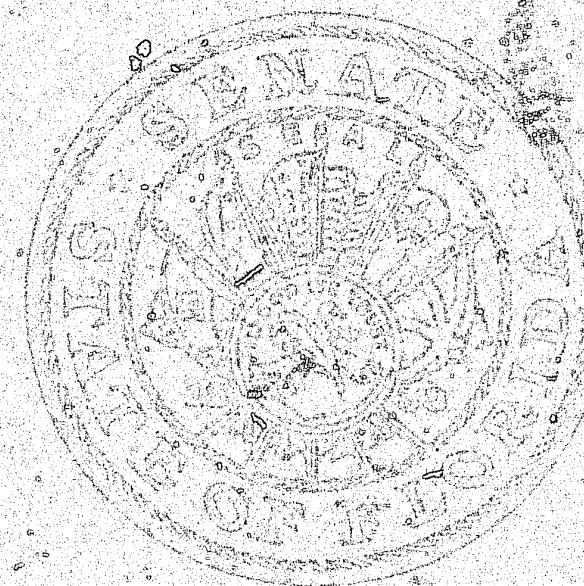
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A REVIEW OF
THE REGIONAL ADVISORY COUNCILS
IN THE DEPARTMENT OF CORRECTIONS

PREPARED PURSUANT TO THE SUNDOWN ACT

BY STAFF OF

THE FLORIDA SENATE COMMITTEE ON
CORRECTIONS, PROBATION AND PAROLE

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INTRODUCTION

I. Introduction

The Sundown Act of 1978 was adopted by the Florida Legislature as a supplement to the Regulatory Reform Act of 1976 because it was determined that a systematic review of the need for and the benefits derived from the various boards, committees, commissions, and councils adjunct to executive agencies of the state would serve the public interest. Prior to the Sundown Act of 1978 several inactive units of government were abolished without review and those units of government that were not abolished were scheduled for abolition on October 1, 1981. The Sundown Act of 1978 requires the Legislature to review these existing units of government to determine which, if any, should be reestablished in the public interest. Finally, the Sundown Act requires that no unit be created or reestablished for more than six years.

This review concerns the Regional Advisory Councils of the Department of Corrections created by §20.315(10), Florida Statutes.

The review examines the provisions of the law which relate to the Regional Advisory Councils. It addresses the manner in which each council operates, the current revenues and expenditures of each council and the council's relationship to the Department of Corrections. In addition,

the goals and accomplishments of each council are reviewed, and other means of serving the public need and the potential impact of Sundown are considered. These findings are followed by conclusions regarding public need and benefit and a recommendation.

SUMMARY

II. Summary

The authorization for the five Regional Advisory Councils of the Department of Corrections is found in §20.315(10), Florida Statutes. The 1975 Florida Legislature created the councils as part of the comprehensive correctional reform legislation which removed the Division of Corrections from the Department of Health and Rehabilitative Services and established the Department of Offender Rehabilitation (now the Department of Corrections).

The creation of the Regional Advisory Councils was to "communicate the ideas of the community and the local criminal justice system to the regional administration of the Department of Corrections." (§20.315(10)(b), Florida Statutes)

The Regional Advisory Councils cannot be viewed as very successful in terms of accomplishing their statutory goals, duties, and responsibilities because instead of communicating the ideas of the community and the local criminal justice system to the regional administration, each council, in actuality, communicates the ideas of the regional administration to the community and local criminal justice system. The conclusion of this report is that although commitment and interest varies among the five councils, their overall substantive influence is less than successful. Thus, since their creation, they made little

benefit or contribution to the public interest for two major reasons: First, members of the councils have become frustrated as to what their role should be, and therefore problems of attendance plague all of the Councils. Second, each of the Councils entirely rely upon the information and input given to them by the regional administration. Therefore, the role of the councils largely depends upon the amount of participation and commitment of the regional administration. As a result, in many instances, the councils have taken on a public relations role, relaying information from the Department to the community rather than communicating "the ideas of the community and local criminal justice system to the regional administration."

Based upon the foregoing conclusions, this report recommends that the Regional Advisory Councils of the Department of Corrections be abolished. The Department states that should the councils be abolished, community and criminal justice system input would be transmitted into the regional administration through other channels of communication.

Additionally, there are a few alternatives which could serve to perform the functions that they were designed to perform. First, the Governor could appoint a citizen's advisory committee to the Department of Corrections. The membership could include various citizens from the five regions who would have input into the program offices.

Second, Governor Graham recently appointed an Advisory Committee on Corrections which can provide citizen and criminal justice system input into the Department. Third, the Regional Advisory Councils could be replaced with an advisory council appointed by the Secretary of the Department of Corrections. Finally, the Department of Corrections could continue to receive community and criminal justice system input through existing channels of communication such as the media, local advisory councils, and the regional offices.

FINDINGS

III. Findings

A. The Law

The Regional Advisory Councils were created by the Correctional Organization Act of 1975, which established the Department of Offender Rehabilitation (presently called the Department of Corrections). The specific authorization and enumeration of duties and responsibilities for the Regional Advisory Councils are contained in §20.315(10), Florida Statutes. (See Appendix A)

1. History

The Correctional Organization Act of 1975 began in the House of Representatives as House Bill 774 and in the Senate as Senate Bill 169. The House Committee on Health and Rehabilitative Services sponsored House Bill 774 which required correctional reorganization. (See Appendix B) The bill proposed that the traditional organizational configuration of divisions and bureaus be modified to include not more than five sub-state regions for service delivery purposes. The regional boundaries were to be coterminous with the judicial circuits of the state. Each of the regions was to have a Regional Advisory Council to be composed of thirteen members: the Regional Director and twelve members appointed by him. House Bill 774 listed duties and responsibilities of each Council which would include, but not be limited to:

1. Recommending to the regional director modifications in state program policy.
2. Providing a forum for receiving citizen hearings on general problems relating to the department.
3. Providing advice on program coordination within the region.
4. Aiding in the establishment of human rights advocacy committees in the region.
5. Responding to the request of regional human rights advocacy committees in facilitating solutions to problems.

In addition, House Bill 774 provided for Regional Human Rights Advocacy Committees to work in close concert with the Regional Advisory Councils. The Human Rights Advocacy Committees were to be composed of the four citizen representatives of each regional advisory council. House Bill 774 was subsequently withdrawn from further consideration upon the passage of the Committee Substitute for Senate Bill 169.

In the meantime, Senate Bill 169 was originally introduced by Senators Gordon, Barron, Vogt, Renick, Sims and others. This bill was subsequently made into a Committee Substitute by the Committee on Health and Rehabilitative Services. (See Appendix C) The correctional reorganization bill provided for five specific sub-state districts composed of certain enumerated counties. Adult Corrections District Advisory Councils were to be mandated for each designated service region to advise the District

Administrator of the needs of the state and the requirements unique to the particular areas. Each advisory council was to be composed of twelve members: the District Administrator and eleven members appointed by the Governor. The purpose of each council was to include, but not be limited to:

1. Advising the department with respect to the operation and management of adult corrections programs within the district.
2. Reviewing and proposing additional areas of cooperation between the department and the Department of Health and Rehabilitative Services.
3. Proposing services to the department which would make community programs of the department more responsive to community needs and the correction of the offender and to review classification procedures for community programs; and
4. Interpreting to the community, through the personal contacts and involvements of its members, the various programs of the department.

Committee Substitute for Senate Bill 169 passed the Senate as amended and was certified for the House of Representatives. The House subsequently amended CS/SB 169 by replacing it, in its entirety, substituting the original provisions of House Bill 774. Upon failure of the House to recede from its amendments, a Conference Committee was formed by the House and Senate leadership.

The House and Senate bills differed on membership, duties, and responsibilities of the advisory councils. (See Appendix D) A key issue distinguishing CS/SB 169 from HB 774 was the disagreement over the regional

Human Rights Advocacy Councils which the House wanted. The Senate position was that a similar Health and Rehabilitative Services reorganization bill (SB 165) provided for Human Rights Advisory Councils and duplication was unnecessary. Ultimately, the Senate position prevailed after Conference Committee negotiations and trade-offs on other issues. The final result was a report from the Conference Committee which included provisions from each bill. (See Appendix A) The Conference Committee bill passed the Senate with three dissenting votes and was returned to the House of Representatives. The House passed the bill with ten dissenting votes and the act was approved by Governor Askew and became Chapter 75-49, Laws of Florida.

The following year, §945.061, Florida Statutes, (See Appendix E) was created by House Bill 3958 (Chapter 76-273) which mentioned the regional advisory councils in its provisions on correctional work program objectives. Specifically, it provides that:

"... it shall be the objective of the department to develop: (4) in cooperation with its regional advisory councils, training programs which will be of mutual benefit to all governmental jurisdictions of the state by reducing the costs of government to the taxpayers and which integrate all instructional programs into a unified curriculum suitable for all inmates, but taking into account of the different abilities of each inmate."

Since the creation of the Regional Advisory Councils in 1975, three amendments have been made to §20.315(10) by the Florida Legislature. In 1978 the Councils were scheduled for Sundown review by Chapter 78-323. In 1979, the reference to the Department of Commerce was changed to read Department of Labor and Employment Security by Chapter 79-7. Finally, in that same year, Chapter 79-3 changed the references to the Department of Offender Rehabilitation to read the Department of Corrections.

2. Intent

The creation of Regional Advisory Councils by the Correctional Reorganization Act was for the legislative purposes stated specifically in §20.315(10)(b), which provides that:

"The council shall be advisory in nature. It shall communicate the ideas of the community and the local criminal justice system to the regional administration of the Department of Corrections. The duties and responsibilities of the regional advisory council shall include, but not be limited to:

"1. Recommending to the regional director modifications in state program policy.

"2. Providing a forum for receiving citizen complaints and holding hearings on general problems relating to the department.

"3. Providing advice on program coordination within the region."

Thus, the Legislature intended to provide a mechanism for receiving citizen complaints and having the benefit of advice from citizens and representatives of the Criminal Justice System. Additionally, the Legislature wanted the

Councils to provide the Department with the benefit of having external advice regarding programs, policies, and complaints.

3. Provisions

Section 20.315(10), Florida Statutes, establishes five Regional Advisory Councils (See Appendix F), each to be composed of the following members from within the region: one representative of the state attorneys, one representative of the public defenders, one sheriff of a county, four citizen representatives, one school board member, one circuit judge exercising juvenile jurisdiction, one circuit judge exercising criminal jurisdiction, one county commissioner, one representative of the Florida State Employment Service, and the Regional Director as a non-voting ex-officio member. Each Council is to elect a chairman, a vice-chairman, and a secretary, each to serve for one year. The members of each Council, with the exception of the Regional Director, are to be appointed by the Governor. All appointed members are to serve four years with the exception that at the time for first appointment, three members shall serve for one year, three members shall serve for two years, three members shall serve for three years, and three members shall serve for four years. The terms of the initial members were staggered in order to insure consistency in membership

rather than a complete turnover every four years. The Governor is to fill all appointive vacancies on the council for the balance of the unexpired terms.

Each Council is to be advisory in nature. Its purpose is to communicate the ideas of the community and the local criminal justice system to the regional administration of the Department of Corrections. The duties and responsibilities of each regional advisory council are to include, but not be limited to:

1. Recommending to the regional director modifications in state program policy;
2. Providing a forum for receiving citizen complaints and holding hearings on general problems relating to the department; and
3. Providing advice on program coordination within the region.

Additionally, before November 1 of each year, the Secretary shall hold a meeting to which each advisory council shall send three of its members to discuss the Department's budget request and recommendations to the Legislature and to provide the Secretary with an analysis of needs within the regions. Each Council is to meet quarterly or at the call of the chairman or upon petition of a majority of the members.

The members of the Councils receive no compensation but are reimbursed for travel and per diem.

Finally, each Regional Advisory Council is to designate a subcouncil from its membership for each service area designated by the Secretary.

Section 945.061, Florida Statutes, mentions another function of the Regional Advisory Councils. In adopting or modifying master plans for correctional work programs, and in the administration of the Department of Corrections, it is to be an objective of the Department to develop in cooperation with its Regional Advisory Councils, training programs which will be of mutual benefit to all governmental jurisdictions of the state by reducing the costs of government to the taxpayers and which integrate all instructional programs into a unified curriculum suitable for all inmates, but taking account of the different abilities of each inmate. This provision is more task oriented than the duties set out in §20.315(10).

Although §20.315(10) has been amended three times, providing basically technical adjustments, two unclear areas remain in the section. First, §20.315(10)(e) refers to each Advisory Council as each "district" advisory council rather than as each "regional" advisory council and to the jurisdictions as "districts" rather than "regions". Apparently, this provision remained in its original Senate Bill 169 form which initially provided for District Advisory Councils and Districts. (See Appendix C) Consequently, this provision remains technically inconsistent with the rest of the section.

Secondly, §20.315(10)(c) provides staggered terms for initial advisory council appointees, but does not clarify which members will serve beginning terms of one, two, three, or four years. Additionally, initial members were not advised of the length of their appointment and remained uncertain as to their tenure.

B. Rules

The statutes relating to the Regional Advisory Councils do not delegate any authority for rulemaking and therefore, no such rules exist. Moreover, the Department of Corrections has not promulgated any rules that directly relate to the Regional Advisory Councils. However, the Advisory Councils from Regions III, IV, and V adopted by-laws. The by-laws contain provisions relating to responsibilities, membership and attendance, operation, parliamentary authority and amendments.

The by-laws' provisions on responsibilities include all of the mandated statutory requirements. However, the Region III by-laws included an additional requirement that each member of the Council tour no less than three facilities within the Region annually.

In addition to the statutory membership requirements, the by-laws of Region III and Region V contain provisions which stipulate that seven members constitute a quorum and

that two unexcused absences from the meetings (within the period of one year) shall result in the Council recommending to the Governor that the member's term be ended.

The Region III and Region V by-laws also address operation. Their by-laws state:

- "A. After appropriate study and discussion, the council shall make recommendations in writing to the Regional Director.
- "B. The Regional Director shall prepare and submit in writing its response to the recommendations of the council."

Finally, the by-laws provide for parliamentary authority based on "Roberts Rules of Order" and amendments to be adopted by a two-thirds vote.

C. The Regional Advisory Councils - Department of Corrections

The Department of Corrections has experienced tremendous growth and change in the past decade. In 1975, most of the correctional programs were located in the Division of Corrections of the Department of Health and Rehabilitative Services. The Division was placing a burden on the Department's resources for three major reasons. First, the Division of Corrections was oriented differently than the other divisions (i.e., Youth Services, Family Services, Health, Aging, Mental Health, Vocational Rehabilitation, Retardation and Children's Medical Services) in the Department. The Division of Corrections was entirely oriented toward a structured institutional setting whereas the other divisions were oriented more toward fragmented human

services delivery. Second, the Division of Corrections dealt with a different clientele than the other divisions of the Department. Thus, the governing philosophy was, of necessity, "control" rather than the "treatment" philosophy, followed by the other divisions. Third, the Division of Corrections was growing and expanding to the extent that it constituted a significant and disproportional drain upon the agency's ability to manage its other divisions and programs. By 1975, there were nineteen major institutions, eleven road prisons, and twenty-three community correctional centers. In addition, the inmate population had grown to 14,130 and the number of employees had increased to 5,186. There were also 44,391 individuals being supervised while on parole or probation. (Response, Department of Corrections, April 28, 1980, p. 87) The Legislature responded to this development by enacting the Correctional Reorganization Act of 1975 (§20.315, Florida Statutes). In seeking to consolidate the independent corrections agencies in Florida government, §20.315 provided a regional administration service delivery mechanism. The existing personnel assigned to the central offices in Tallahassee were consolidated, and consequently the Regional Director assumed the role of being an accountable, accessible corrections authority as the manager of corrections programs in each designated region.

To ensure community and local criminal justice system input, Regional Advisory Councils were established to assist each regional director through recommendations regarding the programs, policies, and operation of the Department of Corrections.

1. Goals

The statutory goal of each Council is to communicate the ideas of the community and the local criminal justice system to the Regional Administration of the Department of Corrections. This is the means whereby the Department may receive the benefit of advice from local citizens and local officials of the criminal justice system. Thus, each Council is to advise the regional director of the needs of the state and the requirements unique to its particular region. Local input is seen as essential if the regional director is to effectively reflect the desires of both criminal justice officials and the public.

Additionally, the Regional Advisory Councils are to meet annually with the Secretary to discuss the Department's budget request and recommendations to the Legislature and present the Secretary with an analysis of needs within the regions.

Finally, each Regional Advisory Council is to designate a subcouncil from its membership for each service area designated by the Secretary in order to ensure the assessment of local needs.

The Councils did not officially establish goals for themselves other than objectives listed under duties and responsibilities in the by-laws of Region III and Region V. For example, the Region III by-laws mandate that each member visit three correctional facilities within the period of a year.

Thus, both the statutory goals and the by-laws policies implicitly presume that achievement of these goals is possible through active participation and cooperation between the Council members and the regional administrator.

2. Organization and Relationship to the Executive Agency

The Regional Advisory Councils are organizationally located adjacent to the regions within the Department of Corrections, which in turn, is located in the executive branch of state government. The organization of the Councils is specified by §20.315(10), Florida Statutes. Each Regional Advisory Council annually elects a chairman, a vice-chairman, and a secretary. According to the Department of Corrections, the duties of the Council officers are:

1. Chairman - Schedules and conducts the business meetings, appoints committees, recommends items for the agenda and guides and directs projects with the assistance of other Council members and staff of the Department.
2. Vice-Chairman - Basically assumes the duties of the Chairman in his absence, otherwise, serves as regular member of the Council.

3. Secretary - Makes arrangements for meetings sites and coordinating travel plans, sends out meeting notices, types agenda, records minutes of meetings, maintains files and generally types related correspondence, resolutions and travel vouchers.

The membership of each Regional Advisory Council is listed in Appendix G.

Although the statute creating the Regional Advisory Councils took effect July 1, 1975, it was not until December, 1976, that Governor Askew began the process of appointing Regional Advisory Council members. The Councils subsequently began their meetings in March, 1977. (See Appendix H)

The Regional Advisory Councils work closely with the Regional Director and staff in each region. Basically, the Councils are heavily dependent upon the staff for information and direction. This relationship began in the first year with the regional administration providing materials and information to each Council. Individual presentations were made which served to educate each Council as to the programs and operations of the Department of Corrections.

In addition, the regional administration arranged for each Council to hold their meetings at various correctional institutions within their region.

As a result, the thrust of the first year was that of educating and informing the Regional Advisory Councils.

Toward the end of the first year period, the various councils became frustrated as to what their role as members was to be. In the 1977 Annual Meeting of the Regional Advisory Council budget representatives, each region expressed its concern to have their roles explicitly defined. Mr. David Bachman, Assistant Secretary for Operations, responded to the Council representatives by advising them that "the Department purposely did not give out specific assignments and dictate the directions the Councils should go. The Department wanted the Councils to determine what their roles would be themselves." He advised the group that this was one of the items he specifically wanted to address while each Council was represented. The Department's position was that the Councils should first familiarize themselves with the operation prior to becoming too active. Secretary Wainwright, in his closing remarks to this 1977 meeting, explained their role as he saw it which was predominantly to serve as a catalyst between all law enforcement segments which, prior to their creation, had no idea of what the other law enforcement agencies were doing even though they were all in the rehabilitation business. Mr. Wainwright further emphasized that he was sure "the Department and the Councils, through working together, could increase the overall efficiency of the Department." (Minutes, First Annual Meeting, September 21, 1977)

Basically, the Councils' concern over their specific roles focused upon whether they were to be purely advisory or task-oriented. The Department of Corrections' position was that they were to be supportive and let the Council set its goals, objectives, and direction. Whereas, the Councils emphasized the responsibility of the various regional directors to provide leadership to each Council by discussing specific problem areas to review for recommendations. As a result, the Councils have a reactive advisory role because of self-imposed dependence upon the regional administration.

3. Procedures

The Regional Advisory Councils do not operate according to strict procedures because of the advisory nature of their functions and because they operate as five separate entities. The meetings of the Councils usually are held at various correctional institutions in the region and consist of reviewing specific departmental programs and operations.

Occasionally, forums are held in which citizen input is solicited on various subject areas. Sub-committees are appointed as needs are perceived in various policy areas for further study. These sub-committees have been appointed in areas such as work release, Brooksville Road Prison location, budget review, and Dade County Correctional Institution site selection.

The Regional Advisory Councils have not developed formal procedures, other than by-laws, to guide their activities. Basically, the by-laws deal with the attendance problems that plague all of the Councils. In fact, in Region III, consideration of the by-laws (which specifically addressed attendance) was repeatedly postponed because of the lack of the required quorum (seven members) necessary for adoption. It is apparent, from the information available in Appendix H, that the attendance problem was common to all of the Councils and may have contributed to the lack of any substantive procedural guidelines.

4. Revenues and Expenditures

The Regional Advisory Councils have not been specifically allotted funds with which to perform their advisory functions. Each regional administration has provided clerical support for the production of the minutes for each meeting. Funds are provided for travel and per diem expenses of each of the members by the Department in accordance with the provisions of §112.061, Florida Statutes. Despite repeated requests, the exact figures were not made available to the Committee by the Department of Corrections.

5. Accomplishments

The Regional Advisory Councils cannot be viewed as very successful in terms of accomplishing their statutory goals, duties, and responsibilities.

Section 20.315(10)(b), Florida Statutes, requires each Council to communicate the ideas of the community and the local criminal justice system to the regional administration of the Department of Corrections. In this capacity, the duties and responsibilities of each Council are to include: recommending modifications in state program policy; providing a forum for receiving citizen complaints and holding hearings on general problems relating to the Department; and providing advice on program coordination within the region.

The minutes of the Regional Advisory Councils do not document any recommendations made to regional directors regarding modifications in state policy. Instead, the Councils have taken an advocacy position and adopted resolutions supporting certain departmental policies and positions.

The Councils have provided forums for receiving citizen complaints and hearings on problems relating to the Department. However, these procedures have been few in number and oriented toward specific issues rather than toward "general problems relating to the department," (§20.315(10)(b)(2))

Advice on program coordination within the region is important to promote efficiency and effectiveness of the various correctional agencies. The Advisory Councils were

expected to be particularly helpful in this area because of the representation from the criminal justice system. However, there were no major accomplishments by the Councils in this area. For example, the State Attorney, Public Defender, Sheriff, and Judges are in a key position to analyze and evaluate the programs of their own respective agencies with regard to the Department's programs. Specific participation and coordination in Pre-Trial Intervention (PTI) programs is particularly important but there were no recommendations other than general support resolutions by Region III concerning the Department's current PTI program. Additionally, only four of Region III's nine counties has PTI operating in its jurisdiction.

At this point, it is important to note that basically instead of communicating the ideas of the community and the local criminal justice system to the regional administration, each Council, in actuality, communicated the ideas of the regional administration to the community and local criminal justice system. The Councils perceived their advisory role to be basically reactive and depended upon the regional administration for information as to its operations and problems. Therefore, rather than provide the regional administration with citizen input, solicited from the community, the Councils communicated information about regional programs to the community and their respective agencies.

Section 20.315(10)(e), Florida Statutes, specifies that before November 1 of each year, the Secretary shall hold a meeting to which each Advisory Council shall send three of its members to discuss the Department's budget request and recommendations to the Legislature and to provide the Secretary with an analysis of needs within the districts. These meetings were held September 20 and 21, 1977, September 20, 1978, and September 11 and 12, 1980. It is questionable as to whether the legislative intent for this provision has been met for two reasons. First, the budget for the Department of Corrections is due November 1 for consideration by the Governor's Office. Therefore, there could be no substantive input into budget formulation by the Councils, because they are presented with a final document. Secondly, the minutes of the annual meetings do not reflect that a presentation was made to the Secretary containing each Council's analysis of needs within their districts. Moreover, the statutory requirement of having three members from each district present was not met at any of the annual meetings.

Finally, §20.315(10)(g), Florida Statutes, requires each Regional Advisory Council to designate a subcouncil from its membership for each service area designated by the Secretary. These service areas, according to §20.315(3), Florida Statutes, conform to judicial circuits

within the region. There is no indication that any sub-councils were designated along these lines.

Section 945.061(4), Florida Statutes, states that "in adopting or modifying master plans for correctional work programs, and in the administration of the Department of Corrections, it shall be the objective of the Department to develop, in cooperation with its regional advisory councils, training programs which will be of mutual benefit to all governmental jurisdictions of the state by reducing the costs of government to the taxpayers and which integrate all instructional programs into a unified curriculum suitable for all inmates, but taking account of the different abilities of each inmate." The Regional Advisory Councils did not participate in the development of training programs although they advocated and passed resolutions supporting the correctional work program.

Although the Regional Advisory Councils have been less than successful in meeting their statutory goals, duties, and responsibilities, they have made certain accomplishments during their existence." They have provided public relations work on various matters in the communities. Specifically, the Department of Corrections listed each Council's accomplishments as the following:

1. Region I - No information available.
2. Region II - There was not a lot of active participation until the last six months, during which time the Council made several constructive recommendations to the Department regarding the medical department, involvement in institutional operation and recommendations for studying room and board assessments at the work release centers.
3. Region III - Maintained open lines of communication between the public and the Department.
4. Region IV - No information available.
5. Region V - The 1977 meetings were mainly of an informative nature to orient membership. During 1978 an orientation program for inmate families was initiated at the Polk Correctional Institution, a resolution was drawn up regarding the over-crowding situation in the Department, landscaping of the Manatee Community Correctional Center was accomplished in conjunction with the Garden Club in the county and a G.E.D. program for Polk Correctional Institution was initiated in conjunction with the local school board. During 1979 only one meeting was held and no projects were accomplished. During 1980 to date, the Council has adopted bylaws, provided assistance for reinstatement of the Pretrial Intervention Program in the Twentieth Judicial Circuit, sent correspondence to legislators regarding general revenue funding for the Probation & Restitution Centers, providing assistance in securing permission for the Pinellas/Pasco County Presentence Investigations to be delivered by the local sheriff's office to receiving institution and the Council is currently studying the blood plasma program at one institution.

It is apparent that collectively the Councils have come short of accomplishing their statutory goals but individually, where there was strong regional commitment

by both Council members and the regional administration, they were able to make some achievements.

D. Potential Impact of Abolition and Alternatives

Community and criminal justice system input into the administration of the Department of Corrections is important because of its awesome responsibility of supervising more than 19,500 inmates sentenced to prison and 46,000 on probation and parole supervision. The Department states that should the Regional Advisory Councils be abolished, community and criminal justice system input would be transmitted into the regional administration through other channels of communication. A specific example is that "the Criminal Justice Council in Region IV has been agreeable to listening to the Department of Corrections' problems and while their forum had already been established, they allowed the Region IV Advisory Council to dovetail into it and they are giving it a lot of support." (Minutes, Annual Regional Advisory Council Budget Representatives Meeting, September 20, 1978)

Because the role the Regional Advisory Councils play in recruiting support from the community and educating the public, abolishment could deprive the Department of Corrections of a key public relations mechanism. However, staff time and input that currently is channeled into keeping each Council functioning, could be redirected

towards this purpose. Here, it is important to reiterate that the major impetus for the creation of the Councils was to communicate the ideas of the community and local criminal justice system to the regional administration rather than serving entirely as a "public relations" Council, promoting the Department's operations and programs.

Finally, there is no evidence suggesting that there has been any substantive input into state program policy despite the diverse representation on the Council listed above. Abolishment would probably curtail direct involvement by such a divergent group, but given the lack of attendance and commitment of some of the members, this would apparently not matter.

Should the Regional Advisory Councils be abolished, there are a few alternatives which could serve to perform the functions that they were designed to perform.

First, §20.315(7)(c), Florida Statutes, provides:

"The Governor may appoint an advisory council for the purpose of acting as an advisory body to the program offices . . ."

Therefore, the Governor could appoint a citizen's advisory committee to the Department of Corrections. The membership could include various citizens from the five regions who would have input into the program offices.

Second, the Governor's Executive Review Committee on the Department of Corrections made a recommendation for a Corrections Advisory Committee to be appointed by the Governor. The Committee further recommends that appointees be "concerned citizens" such as accountants, businessmen, lawyers, judges, and others as the Governor deems appropriate. (Interim Report, Governor's Executive Review Committee, page 6) As a result, by Executive Order 80-99, the Governor appointed an Advisory Committee on Corrections to provide a specific forum for recommendation on the long-range issues facing the state's correctional system. This Council could be an especially effective alternative to the Regional Advisory Councils if it breaks down into subcouncils representing the courts, law enforcement, and the Bar from the five regions.

Third, the Regional Advisory Councils could be replaced with an Advisory Council appointed by the Secretary of the Department of Corrections. This Council could be answerable to the Secretary and have representatives from each region. This is the least desirable alternative because the proximity of the Council to the Secretary places it in the same type of advocacy role that the Regional Advisory Councils have assumed.

Finally, the Department of Corrections could continue to receive community and criminal justice system input through existing channels of communication such as the media, local advisory councils, and the regional offices.

CONCLUSIONS AND RECOMMENDATION

IV. Conclusions and Recommendations

The Regional Advisory Councils were established by the 1975 Legislature as a component of the structural reorganization of adult corrections agencies in Florida government. The purpose of this report has been to review the need for and the benefits acquired from these Councils. In addition, the Regional Advisory Councils' statutory adherence and substantial contribution to the public interest were examined. It is concluded that although commitment and interest varies among the five Councils, their overall substantive influence is less than successful. Thus, they made little benefit or contribution to the public interest.

Section 20.315(10), Florida Statutes, became effective July 1, 1975; appointments to the Regional Advisory Councils were not initiated until December, 1976, and meetings did not begin until March, 1977. Initial appointees of the Councils were uncertain as to the length of their term, their role on the Council, and the regional function. Therefore, during that year the five Councils devoted their time to understanding the regional operations and programs of the Department of Corrections. During this period, members of the Councils became frustrated as to what their role should be, and problems of attendance plagued all of the Councils.

Each of the Councils entirely relies upon the information and input given to them by the regional administration. Therefore, the role of the Councils largely depends upon the amount of participation and commitment of the regional administration. As a result, in many instances, the Councils take on a public relations role, relaying information from the Department to the community rather than communicating "the ideas of the community and the local criminal justice system to the regional administration." This is especially evident in the fact that most of Region III and Region V's actions consist of contacting legislators and adopting resolutions in support of various correctional programs.

Although the Regional Advisory Councils have not accomplished their specific statutory goals, there have been a few minor accomplishments. Some Councils have been far more active than others, and in Region V, members have concentrated on particular projects in their area of interest. Additionally, occasional public forums on specific policy issues have been held, providing input to the regional administration.

Based upon the foregoing conclusions, it is recommended that the Regional Advisory Councils of the Department of Corrections be abolished. They have not successfully conformed to the statutory mandate to communicate important

community and criminal justice system ideas to the regional administration, nor have they held regular meetings or functioned consistently in their policies.

Alternatives based on using one large representative Advisory Council have been advanced or existing channels of communication may be utilized. However, it is important that regardless of the alternative selected, there must be commitment and support from the Governor, Department of Corrections, and the criminal justice system of Florida.

APPENDIXES

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

¹(10) REGIONAL ADVISORY COUNCILS.—

(a) In each region there shall be a regional advisory council. Each regional advisory council shall elect a chairman, a vice chairman, and a secretary, each of whose terms shall be for 1 year. The regional director shall be a nonvoting ex officio member. The council shall be composed of:

1. One representative of the state attorneys in the region.
2. One representative of the public defenders in the region.
3. One sheriff of a county in the region.
4. Four citizen representatives from the region.
5. One member of a district school board of a school district within the region.
6. One circuit judge exercising juvenile jurisdiction within the region.
7. One circuit judge exercising criminal jurisdiction within the region.
8. One member of a board of county commissioners of a county within the region.
9. One representative of the Florida State Employment Service of the Department of Labor and Employment Security.

(b) The council shall be advisory in nature. It shall communicate the ideas of the community and the local criminal justice system to the regional administration of the Department of Corrections. The duties and responsibilities of the regional advisory council shall include, but not be limited to:

1. Recommending to the regional director modifications in state program policy.
2. Providing a forum for receiving citizen complaints and holding hearings on general problems relating to the department.
3. Providing advice on program coordination within the region.

(c) The citizen members and representatives of the criminal justice system shall be appointed by the Governor. All appointed members of the regional advisory council shall serve for terms of 4 years; except that at the time of the first appointment, three members shall serve for 1 year, three members shall serve for 2 years, three members shall serve for 3 years, and three members shall serve for 4 years.

(d) The Governor shall fill all appointive vacancies on the regional advisory council for the balance of the unexpired terms.

(e) Before November 1 of each year, the secretary shall hold a meeting to which each district advisory council shall send three of its members to discuss the department's budget request and recommendations to the Legislature and to provide the secretary with an analysis of needs within the districts. The council shall meet quarterly or at the call of the chairman or upon petition of a majority of the members.

(f) Members of the regional advisory council shall receive no compensation, but shall be reimbursed for per diem and travel expenses by the department in accordance with the provisions of s. 112.061.

(g) Each regional advisory council shall designate a subcouncil from its membership for each service area designated by the secretary.

By Committee on Health and Rehabilitative Services and
Representative Kutun and others

This public document was
promulgated by the House
of Representatives at a
base cost of \$4.56 per page
for 600 copies and \$1.35 per page for distribution for the
information of members of the legislature and the public.

A bill to be entitled

An act relating to the Department of Offender
Rehabilitation; providing legislative intent;
creating s. 20.315, Florida Statutes; provid-
ing for the creation of a Department of
Offender Rehabilitation to provide a mechanism
for the treatment of juvenile and adult crim-
inal offenders along specified lines; provid-
ing that the department be organized on a
regional basis; transferring all powers, duties
and functions of the Division of Corrections
and all powers, duties and functions of the
Division of Youth Services related to
delinquent children to the department; trans-
ferring certain powers, duties and functions of
the Parole and Probation Commission to the de-
partment; providing for the appointment of a
secretary and deputy secretary for the depart-
ment and providing for their duties and respon-
sibilities; providing for the creation of pro-
gram offices and for the appointment and respon-
sibilities of program directors; providing for
the creation of advisory councils appointed by
program office directors; providing for the
creation, membership, compensation, powers and
duties of a policy council within the depart-
ment; providing for the creation, membership,

1 duties and responsibilities of the Human Rights
 2 Advocacy Committee; creating an Office of Man-
 3 agement and Budget and providing for the appoint-
 4 ment of a director; providing for the powers,
 5 duties and responsibilities of the office; pro-
 6 viding for regional directors and their duties
 7 and responsibilities; providing for program ad-
 8 visors in specified program areas and for their
 9 duties; providing for regional advisory councils
 10 and their membership, responsibilities, duties
 11 and compensation; providing for regional human
 12 rights advocacy committees and their duties and
 13 responsibilities; providing for regional offices
 14 of management and budget along specified lines;
 15 providing for the responsibilities of such of-
 16 fices and for the appointment of a regional di-
 17 rector; providing a plan of program operation
 18 for regional correction with respect to region-
 19 al offices; providing a procedure for depart-
 20 mental budgeting; providing for an information
 21 system; authorizing the secretary to transfer
 22 appropriations among units of the department so
 23 long as the total appropriation is not exceeded;
 24 requiring the approval of the Department of Ad-
 25 ministration after July 1, 1976; adding para-
 26 graph (n) to s. 110.051(2), Florida Statutes,
 27 1974 Supplement, exempting regional directors
 28 and program office directors of the Department
 29 of Health and Rehabilitative Services and the
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1 Department of Offender Rehabilitation from the
 2 career service system; requiring the Department
 3 of Offender Rehabilitation to establish program
 4 evaluation procedures; requiring reports to be
 5 submitted to the Legislature; adding subsection
 6 (7) to s. 20.04, Florida Statutes, providing
 7 that the principal policy and program develop-
 8 ment unit of the department is the office, head-
 9 ed by a director; providing an effective date.
 10
 11 Be It Enacted by the Legislature of the State of Florida:
 12
 13 Section 1. Legislative intent.--It is the intent of
 14 the Legislature in creating the Department of Offender Rehabil-
 15 itation to clearly locate accountability and responsibility
 16 for all state offender rehabilitation activities within one
 17 executive agency. Further, it is the intent of the Legislature
 18 that the Department of Offender Rehabilitation shall be respon-
 19 sive to the needs of the citizens of this state by decentral-
 20 izing its operations into sub-state regions. In addition,
 21 the Legislature finds that the protection of the public and
 22 maximum impact from public funds require an integrated youth
 23 and adult criminal justice system which has the capability of
 24 differential treatment of offenders. A fundamental concern
 25 of the Legislature is the effective and efficient operation
 26 of the state's offender rehabilitation system. To this end
 27 the Legislature intends that the responsibility for youth and
 28 adult corrections and community field services be located in
 29 a single department capable of a comprehensive outlook towards
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1 the rehabilitation of all offenders.

2 Section 2. Section 20.315, Florida Statutes, is created
3 to read:

4 20.315 Department of Offender Rehabilitation.--There
5 is created a Department of Offender Rehabilitation.

6 (1) PURPOSE.--The purpose of the Department of Offender
7 Rehabilitation is to integrate the delivery of all youth and
8 adult offender rehabilitation services that are deemed neces-
9 sary for the rehabilitation of offenders. The goals of the
10 department shall be:

11 (a) To protect society by substituting for retributive
12 punishment, methods of training and treatment which correct
13 and rehabilitate citizens who violate laws.

14 (b) To provide an environment for incarcerated persons
15 in which rehabilitation is possible. This should include the
16 protection of the offender from victimization within the in-
17 stitution, the development of a system of due process and
18 internal legality in institutions through the human rights
19 advocacy process, and the planned phase-out of large insti-
20 tutions.

21 (c) To provide meaningful community supervision for
22 offenders on parole and probation and to develop community
23 alternatives to traditional incarceration which could be
24 safely used.

25 (d) To provide rehabilitative programs, both educa-
26 tional and therapeutic, to incarcerated offenders and offenders
27 being supervised in the community.

28 (e) To provide judges with effective evaluative tools
29 and information for use in the sentencing decision.
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1 (f) To provide the necessary level of security in
2 institutions.

3 (2) Within the context of the goals identified in
4 paragraphs (a) through (f) of subsection (1), it is not the
5 intent of the Legislature that the treatment and rehabilitation
6 of children be secondary to their incarceration. In fact, the
7 Legislature intends that no child shall ever be placed in an
8 environment where rehabilitation and normalization of the
9 child's life are not the primary objectives. Further, it is
10 the intent of the Legislature that no child shall ever be
11 placed in a facility with adults and that intake and residen-
12 tial programs of the department be separate and distinct for
13 children and adults.

14 (3) It is the intent of the Legislature that recogni-
15 tion be given to the inescapable interrelationship between
16 the various needs of departmental clients. Therefore, the
17 Legislature intends that the newly reorganized department
18 focus its attention on the total spectrum of needs of the
19 offender. To this end, the Legislature reaffirms its commit-
20 ment to a "whole person" approach to rehabilitation and prob-
21 lem solving.

22 (4) REGIONS.--The department shall be organized to
23 deliver services on a regional basis. The department shall
24 develop and promulgate, in accordance with the provisions of
25 chapter 120, Florida Statutes, no more than 5 regions within
26 the state, which shall be coterminous with the judicial cir-
27 cuits of the state.

28 (5) DIVISION OF CORRECTIONS; TRANSFER.--All powers,
29 duties and functions of the Division of Corrections of the
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1 Department of Health and Rehabilitative Services created under
2 s. 20.19(2)(b), and its proportionate share of administrative
3 support services and facilities, are hereby transferred by a
4 type four transfer pursuant to s. 20.06(4) to the Department
5 of Offender Rehabilitation.

6 (6) DIVISION OF YOUTH SERVICES; TRANSFER.--All powers,
7 duties, and functions of the Division of Youth Services of the
8 Department of Health and Rehabilitative Services created under
9 s. 20.19(2)(c), which powers, duties and functions relate to de-
10 linquent children under chapters 39 and 959, and the attendant
11 proportionate share of administrative support services and fa-
12 cilities, are hereby transferred by a type four transfer pur-
13 suant to s. 20.06(4) to the Department of Offender Rehabilita-
14 tion. All powers, duties, and functions of the Division of Youth
15 Services of the Department of Health and Rehabilitative Ser-
16 vices which pertain to children in need of supervision shall
17 be retained by the Department of Health and Rehabilitative
18 Services.

19 (7) PAROLE AND PROBATION COMMISSION; TRANSFER.--All
20 powers, duties and functions of the Parole and Probation Com-
21 mission, except those relating to the exercise of its quasi-
22 judicial duties and functions, as provided by law, are hereby
23 transferred by a type four transfer pursuant to s. 20.06(4)
24 to the Department of Offender Rehabilitation. This transfer
25 shall include all court-related investigations, all supervision
26 of parolees and probationers, administrative support services,
27 data collection and information systems, field offices and
28 other programs, and services and resources of the commission
29 which are not necessary for the immediate support of the
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1 commissioners. The Department of Offender Rehabilitation shall
2 perform statistical analysis, research, and program evaluation
3 for the Parole and Probation Commission. There shall be only
4 one offender-based information or records system maintained
5 by the Department of Offender Rehabilitation for the joint use
6 of the Department of Offender Rehabilitation and the Parole
7 and Probation Commission. The Parole and Probation Commission
8 shall not maintain its own offender-based record or infor-
9 mation system.

10 (8) The Department of Administration shall supervise
11 and direct the various transfers authorized by this section.

12 (9) SECRETARY OF OFFENDER REHABILITATION; DEPUTY SEC-
13 RETARY.--

14 (a) The head of the Department of Offender Rehabilita-
15 tion is the Secretary of Offender Rehabilitation. The secre-
16 tary shall be appointed by the Governor, subject to confir-
17 mation by the Senate, and shall serve at the pleasure of the
18 Governor. The secretary is the chief administrative officer
19 of the department and shall have the authority and responsi-
20 bility to plan, direct, coordinate, and execute the powers,
21 duties, and responsibilities assigned to the department. He
22 shall have final decision-making authority for the operation
23 of the department subject only to the Governor and laws of
24 Florida. The secretary is the permanent chairman of the policy
25 council and his responsibilities shall include, but not be
26 limited to:

- 27 1. Setting departmental priorities.
- 28 2. Appointing program and regional directors.
- 29 3. Directing the department's management, planning
30 and budgeting processes.
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4. Acting as the chief liaison officer between the department and local, state, and federal agencies.
5. Supervising and directing all program offices.
6. Supervising and directing regional directors and regional operations.
7. Supervising and directing all departmental planning, monitoring and evaluation activities.
8. Supervising and directing the promulgation of all departmental rules.

(b) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary shall be directly responsible to the secretary, shall perform those duties that are assigned to him by the secretary, and shall be fully authorized to act on behalf of the secretary in all matters affecting the department. The deputy secretary shall serve at the pleasure of the secretary.

(10) PROGRAM OFFICES.--

(a) Program offices shall be designed to operate in a staff capacity to the secretary. Each program office shall be headed by a program office director who is appointed by the secretary to serve at his pleasure and who reports directly to the secretary or his designee. Each program office director shall serve on the policy council. Program offices shall not have any line authority over regional operations. In no case shall the total professional staff of all of the program offices combined exceed 200 persons. Program offices shall have, but are not limited to, the following responsibilities:

1. Aiding in the identification of client needs.
2. Developing intra-program policies.

3. Setting, monitoring, and controlling the quality of intra-program standards.
 4. Developing intra-program staff development, training, and technical assistance programs.
 5. Advising the secretary and others within the department on issues within their areas of substantive expertise, i.e., statewide contracts, federal legislation, etc.
 6. Acting as liaison to other governmental agencies and the public on programmatic issues.
 7. Developing state program plans, implementing directives, and rules and procedures for the secretary.
 8. Recommending candidates for regional program advisor to regional director.
 9. Developing resource forecasts and working within the state on community resource development.
 10. Quality control.
 11. Other duties as assigned by the secretary.
- (b) The following program offices are established:
1. Adult Services Program Office. The responsibilities of this office shall relate directly to present programs operated by the Division of Corrections except in the areas of health and education and rehabilitative services. In addition, responsibility for adult community supervision, intake, investigation, and classification for offenders shall be located in this office.
 2. Youth Services Program Office. The responsibilities of this office relate directly to the present programs operated by the Division of Youth Services except in the areas of health,

1 and education and rehabilitative services. The responsibility
2 for community supervision, intake, investigation, and classi-
3 fication for youths shall be located in this office.

4 3. Health Services Program Office. The responsibili-
5 ties of this office shall relate specifically to the develop-
6 ment of an effective and efficient departmentwide health de-
7 livery system. In addition, the office shall coordinate and
8 review all health services purchased by or provided within the
9 department, as well as insuring an acceptable level of quality.

10 4. Education and Rehabilitation Program Office. The
11 responsibilities of this office shall relate specifically to
12 the development of an effective and efficient departmentwide
13 education and rehabilitation program.

14 (c) Each program office director may appoint an ad-
15 visory council for the purpose of acting as an advisory body
16 to the office. Members shall serve staggered terms not to
17 exceed 4 years, although they may be appointed to one sub-
18 sequent term. Members shall receive no compensation but shall
19 be reimbursed for per diem and travel expenses in accordance
20 with the provisions of s. 112.061.

21 (d) The position of office director shall be exempt
22 from the state career service system. The salary of an office
23 director shall be set at a level equal to that of a division
24 director.

25 (11) POLICY COUNCIL.--

26 (a) There is created within the department a Policy
27 Council. The Policy Council shall consist of 13 members,
28 including the secretary of the department, who shall serve as
29 the chairman of the Policy Council.
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1 (b) The membership of the Policy Council shall also
2 include:

3 1. The four program office directors.

4 2. One representative of the judges of this state, to
5 be appointed by the Governor.

6 3. One representative of the public defenders of this
7 state, to be appointed by the Governor.

8 4. One representative of the state attorneys of this
9 state, to be appointed by the Governor.

10 5. One representative of the law enforcement officials
11 of this state, to be appointed by the Governor.

12 6. Four citizens of this state, to be appointed by the
13 Governor, including one county commissioner.

14 (c) All appointed Policy Council members shall serve
15 terms of 4 years, except that at the time of the first appoint-
16 ment, two members shall serve for 1 year, two members shall
17 serve for 2 years, two members shall serve for 3 years, and
18 two members shall serve for 4 years.

19 (d) The Governor shall fill all appointive vacancies
20 on the Policy Council for the balance of the unexpired term.

21 (e) Members of the Policy Council shall receive no
22 compensation but shall be reimbursed for per diem and travel
23 expenses by the department in accordance with the provisions
24 of s. 112.061.

25 (f) The purpose, objectives, and responsibilities of
26 the Policy Council shall include, but not be limited to:

27 1. Coordinating all inter-program policy development,
28 planning, and service delivery programs.

29 2. Recommending statewide departmental policy and
30 priorities.
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3. Developing and monitoring all service integration activities.
4. Encouraging citizen input to the department.
5. Recommending budget priorities to the secretary.
6. Alerting the department to new problems and developments throughout the state and nation.

(12) HUMAN RIGHTS ADVOCACY COMMITTEE.--There is hereby created within the Department of Offender Rehabilitation a Human Rights Advocacy Committee, consisting of the four citizen members of the Policy Council. The members of the committee shall elect a chairman who shall serve as the vice-chairman of the Policy Council. The Human Rights Advocacy Committee shall develop policies and procedures for receiving, investigating, and resolving complaints received from regional human rights advocacy committees. The purpose, objectives, and responsibilities of the Human Rights Advocacy Committee shall include, but not be limited to:

- (a) Serving as a third-party mechanism for protecting the health, safety, and welfare, and the civil and human rights of offenders.
- (b) Discovering, investigating, determining, and reporting the existence of abuse within any program or facility operated, funded, or regulated by the department when a case is referred to them by a regional human rights advocacy committee. Any investigation of abuse or abusive situations conducted by the committee shall have as its objective the identification of causes and the development of specific recommendations for the prevention of the reoccurrence of abuse and for the alleviation of suffering of any individual resulting

from such abuse.

(c) Reviewing and making recommendations with respect to any research project directly or indirectly affecting the lives of offenders insofar as their human rights may be concerned.

(d) Reviewing existing programs or services and new or revised programs of the department and making recommendations as to how the rights of offenders are affected.

(e) Reviewing and making recommendations on medical policy prior to its implementation by the department. However, the Human Rights Advocacy Committee shall conduct its review within 30 days.

(f) Submitting an annual report to the Legislature, no later than November 30 of each calendar year, concerning activities, recommendations and complaints reviewed or developed by the committee during the year.

(g) Conducting meetings at least 4 times a year, or at the call of the Governor, or by written request of two committee members.

(13) OFFICE OF MANAGEMENT AND BUDGET.--

(a) There is created within the department an Office of Management and Budget. The Director of the Office of Management and Budget shall be appointed by the secretary and serve at his pleasure. The Director of the Office of Management and Budget shall report directly to the secretary or his designee. All management, planning and evaluation and administrative functions heretofore carried out by the various line divisions of the department are assigned to the Office of Management and Budget.

1 (b) The Office of Management and Budget shall be
2 responsible for all departmentwide functions in the areas of
3 management services, financial services, management analysis
4 and comprehensive planning. Further responsibilities shall
5 include, but not be limited to:

- 6 1. Inter-program comprehensive planning and evaluation.
- 7 2. Budget preparation and aggregation.
- 8 3. Grants management and disbursement.
- 9 4. Accounting.
- 10 5. Internal audit.
- 11 6. Facilities management, including design, construc-
- 12 tion, and leases.
- 13 7. Personnel.
- 14 8. Information systems development.
- 15 9. Legal services.
- 16 10. Purchasing.

17 (c) The Office of Management and Budget shall also be
18 responsible for the development of uniform implementation and
19 monitoring procedures for all administrative support services
20 at the regional level as well as reviewing the effectiveness
21 and efficiency of these support services.

22 (14) REGIONAL OPERATIONS.--

23 (a) The Legislature finds and declares that the de-
24 centralization of departmental programs and services will per-
25 mit greater responsiveness to community needs and improve the
26 integration of programs. It is therefore the intent of the
27 Legislature that the management, administration, and delivery
28 of departmental services take place in the regions. However,
29 the secretary, upon a showing of clear economic benefit and
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1 savings, may locate certain highly specialized activities
2 within his office. Further, it is the intent of the Legislature
3 that regional operations shall be in a direct line of authority
4 to the secretary of the department.

5 (b) In this context, the Legislature intends that the
6 secretary provide greater independence and increased decision-
7 making authority to the regions within the parameters of de-
8 partmental policy. Further, it is consistent with legislative
9 intent that regional operations be properly staffed with the
10 necessary decentralized administrative support personnel to
11 conduct an efficient and effective operation.

12 (15) REGIONAL DIRECTORS.--

13 (a) The chief administrative officer of each region
14 is the regional director. The regional director shall be ap-
15 pointed by and serve at the pleasure of the secretary. In
16 addition to those duties and responsibilities assigned by law,
17 the regional director shall carry out the responsibilities
18 delegated to him by the secretary. The regional director shall
19 report directly to the secretary, shall represent the secretary
20 in the region, and shall assure that all departmental programs
21 and services are integrated and provided on a timely basis.
22 The position of regional director shall be classified at a
23 level equal to a division director. The regional director
24 shall be exempt from the state career service system. The
25 regional director shall serve as the chairman of the regional
26 advisory council.

27 (b) The duties and responsibilities of the regional
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1 director shall include, but not be limited to:

2 1. Administration and coordination of all planning,
3 evaluation, administrative support and direct program operation
4 functions within the region.

5 2. Implementation, through the administration of local
6 and institutional programs, of all policies and priorities
7 developed by either the state program offices or the state
8 policy council and approved by the secretary.

9 3. Appointment of the superintendents of major insti-
10 tutions and program advisors from a list of 3 nominees recom-
11 mended by the respective state program directors.

12 4. Appointment of local supervisors.

13 5. Appointment of the citizen members and representa-
14 tives of the criminal justice system to the regional advisory
15 council.

16 6. Approval of all other personnel appointments in
17 the region.

18 7. Notwithstanding the provisions of ss. 216.292 and
19 216.351, authority to transfer up to 10 percent of the total
20 regional budget, subject to the approval of the secretary, to
21 maximize effective program operations.

22 8. Meet regularly with other regional directors to
23 make recommendations for modifications in program policies to
24 state program directors and to the secretary.

25 9. Provide direction to the regional office of manage-
26 ment and budget, regional program advisors and regional ad-
27 visory council.

28 10. Provide line supervision to superintendents of all
29 institutions within the region and all local program super-
30 visors.

1 (16) REGIONAL PROGRAM ADVISORS.--In each region, there
2 shall be a program advisor for each of the following program
3 areas: youth services, adult services, health services, and
4 educational and rehabilitative services. The regional program
5 advisors shall have, but are not limited to, the following
6 duties:

7 (a) Serving as primary advisor to the regional director
8 in their respective program area.

9 (b) Recommending changes in programs.

10 (c) Identifying and developing community resources.

11 (d) Determining the needs of the region through needs
12 assessment.

13 (e) Serving as program spokesman in educating the region
14 as to the nature of programs in the Department of Offender
15 Rehabilitation and the needs of offenders.

16 (f) Serving as primary staff development advisor.

17 (17) REGIONAL ADVISORY COUNCILS.--

18 (a) In each region there shall be a regional advisory
19 council. The council shall be composed of:

20 1. The regional director.

21 2. Each program advisor.

22 3. One representative of the judges in the region.

23 4. One representative of the state attorneys in
24 the region.

25 5. One representative of the public defenders in
26 the region.

27 6. One representative of the law enforcement agencies
28 in the region.

29 7. Four citizen representatives from the region, in-
30 cluding one county commissioner.

1 (b) The council shall be advisory in nature. It shall
 2 communicate the ideas of the community and the local criminal
 3 justice system to the regional administration of the Depart-
 4 ment of Offender Rehabilitation. The duties and responsibili-
 5 ties of the regional advisory council shall include, but not
 6 be limited to:

- 7 1. Recommending to the regional director modifications
- 8 in state program policy.
- 9 2. Providing a forum for receiving citizen complaints
- 10 and holding hearings on general problems relating to the depart-
- 11 ment.
- 12 3. Providing advice on program coordination within the
- 13 region.
- 14 4. Aiding in the establishment of human rights advocacy
- 15 committees in the region.
- 16 5. Responding to the request of regional human rights
- 17 advocacy committees in facilitating solutions to problems.

18 (c) The citizen members and representatives of the
 19 criminal justice system shall be appointed by the regional
 20 director. All appointed members of the regional advisory
 21 council shall serve for terms of 4 years, except that at the
 22 time of the first appointment, two members shall serve for 1
 23 year, two members shall serve for 2 years, two members shall
 24 serve for 3 years, and two members shall serve for 4 years.

25 (d) The regional director shall fill all appointive
 26 vacancies on the regional advisory council for the balance of
 27 the unexpired term.

28 (e) Members of the regional advisory council shall
 29 receive no compensation but shall be reimbursed for per diem
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1 and travel expenses by the department in accordance with the
 2 provisions of s. 112.061.

3 (18) REGIONAL HUMAN RIGHTS ADVOCACY COMMITTEES.--A
 4 human rights advocacy committee shall be created in each region
 5 composed of the four citizen representatives of the regional
 6 advisory council. The duties of each regional human rights
 7 advocacy committee shall be to receive, investigate, hold
 8 hearings and recommend action on, individual client complaints.
 9 All reports on investigations by a regional human rights ad-
 10 vocacy committee shall be made to the regional director. A
 11 regional human rights advocacy committee may request the
 12 regional advisory council to review any complaint and make
 13 further recommendations to the regional director as to its
 14 disposition. Appeals from a regional human rights advocacy
 15 committee shall be made to the state Human Rights Advocacy
 16 Committee. The duties of a human rights advocacy committee
 17 shall include but are not limited to:

- 18 (a) Serving as a third-party mechanism for protecting
- 19 the health, safety, and welfare, and the civil and human rights
- 20 of clients of the department.
- 21 (b) Discovering, investigating, determining, and
- 22 reporting the existence of abuse within any program or facility
- 23 operated, funded, or regulated by the department within each
- 24 committee's respective region.
- 25 (c) Investigating any complaint brought by a client,
- 26 or a person serving in the client's interest, that an adminis-
- 27 trative action by the department resulted in unreasonable, un-
- 28 fair, discriminatory or inappropriate treatment of the client.
- 29 (d) Submitting an annual report by September 30 to the
- 30
- 31

1 state Human Rights Advocacy Committee concerning activities,
2 recommendations and complaints reviewed or developed by the
3 committee during the year.

4 (e) Conducting meetings at least 4 times a year, or at
5 the call of the Governor or by written request of two members.

6 (19) REGIONAL OFFICE OF MANAGEMENT AND BUDGET.--

7 (a) There shall be an office of management and budget
8 in each region which shall provide the following administrative
9 support functions to the regional office:

- 10 1. Program evaluation and monitoring.
- 11 2. Regional comprehensive planning.
- 12 3. Accounting.
- 13 4. Grants management and disbursement.
- 14 5. Personnel.
- 15 6. Legal services for program support.
- 16 7. Purchasing.
- 17 8. Facilities management.
- 18 9. Preparation of the regional budget request and

19 administration of the approved operating budget.

20 10. Other responsibilities as assigned by the regional
21 director.

22 (b) The director of the regional office of management
23 and budget shall be appointed by the regional director from a
24 list of 3 names provided by the director of the state Office
25 of Management and Budget. The regional office of management
26 and budget shall carry out its duties and responsibilities in
27 accordance with policy set by the secretary and regional
28 director.

29 (20) PROGRAM OPERATIONS.--

1 (a) The regional office shall provide direct manage-
2 ment and supervision of departmental programs within the region.
3 All superintendents of major correctional institutions for
4 adults and training schools for youths shall report to the
5 regional director. All supervisors of program operations in
6 the region shall report to the regional director.

7 (b) In each region, in accordance with state program
8 policy, there shall be developed a regional correctional pro-
9 gram which shall include at least the following components:

- 10 1. Major correctional institutions in regions where
11 they are located.
- 12 2. Training schools in regions where they are located.
- 13 3. Intake program for adults.
- 14 4. Intake program for youths.
- 15 5. Community residential programs for adults.
- 16 6. Community residential programs for youths.
- 17 7. Field services which shall include, at least, parole
18 and probation supervision, classification and investigation.
19 Classification, investigation, and parole and probation super-
20 vision may be organized in such a fashion so as to permit the
21 separation of juveniles and adults. The department may deploy
22 its counselors in juvenile and adult specialties; however,
23 there shall be a single administrative and supervisory
24 structure.

25 (c) All intake and field service programs shall be
26 organized in accordance with boundaries of judicial circuits.

27 (d) All institutions and program operations, working
28 with the regional office of management and budget, shall
29 purchase specialized services when available and appropriate

1 rather than develop a service capability within the institution
2 or program. If the required service is not readily available
3 in the region, the institution or program may develop such
4 service component, upon approval of the regional director.

5 (e) In order to efficiently direct departmental pro-
6 grams in the region, the regional director may appoint local
7 program supervisors. The program supervisor shall have the
8 following duties:

9 1. Direct all local program operations, under their
10 supervision, in accordance with the policy guidelines and pro-
11 gram direction provided by state program offices.

12 2. Supervise all program staff and participate in staff
13 evaluations and performance measurements developed by the state
14 program offices.

15 3. Make recommendations on budget priorities and re-
16 source allocations to the regional director.

17 4. Assist the regional director in evaluation of per-
18 formance on purchase of service contracts.

19 (21) DEPARTMENTAL BUDGETS.--

20 (a) The secretary shall develop and submit annually to
21 the Legislature a comprehensive departmental summary budget
22 document which shall array regional budget requests along
23 program lines. This summary document shall, for the purpose
24 of legislative appropriation, consist of 3 distinct budget
25 entities:

26 1. Office of the secretary and office of management
27 and budget.

28 2. Program offices.

29 3. Regional services.

1 (b) To fulfill this responsibility, the secretary shall
2 have the authority to review, amend and approve the annual
3 budget requests of all departmental activities. Recommenda-
4 tions on departmental budget priorities shall be furnished to
5 the secretary by the policy council and the state Office of
6 Management and Budget. In addition, the secretary, notwith-
7 standing the provisions of ss. 216.292 and 216.351, may, when-
8 ever deemed necessary by reason of significantly changed con-
9 ditions, transfer funds between the approved operating budgets
10 of the regions. The total of such transfers may not exceed 5
11 percent of the operating budget of an individual region during
12 any fiscal year.

13 (c) It is the responsibility of the Office of Manage-
14 ment and Budget to promulgate the necessary budget timetables,
15 formats and data requirements for all departmental budget re-
16 quests. This shall be done in accordance with statewide bud-
17 get requirements of the Department of Administration.

18 (d) It is the responsibility of the regional director
19 to develop an annual budget request to be reviewed, amended
20 and approved by the secretary. Upon appropriation of an ap-
21 proved regional budget, the regional director shall be respon-
22 sible for the execution of the operating budget during the
23 fiscal year. Notwithstanding the provisions of ss. 216.292
24 and 216.351, whenever deemed necessary by significantly changed
25 conditions, the regional director may, subject to approval of
26 the secretary, transfer funds between the various programs in
27 the region. The total of such transfers may not exceed 10
28 percent of the approved operating budget of a region during
29 any fiscal year.

1 (22) INFORMATION SYSTEMS.--

2 (a) The secretary shall implement a priority program
3 aimed at the design, testing, and integration of automated
4 information systems necessary for effective and efficient man-
5 agement of the department. These systems shall contain, as a
6 minimum, management data, offender data and program data deemed
7 essential for the ongoing administration of programs, as well
8 as for the purpose of management decisions. It is the intent
9 of the Legislature that these systems be developed with the
10 idea of providing maximum administrative support to program
11 operations. It is also essential that these systems comply
12 with federal program requirements and insure confidentiality
13 of client information.

14 (b) For the purpose of funding this effort, the de-
15 partment shall include in its annual budget request a compre-
16 hensive summary of costs involved, as well as manpower saved,
17 in the establishment of these automated systems. This budget
18 request shall also include a complete inventory of current
19 staff, equipment and facility resources available for comple-
20 tion of the desired systems. The department shall review all
21 forms for duplicative content and, to the maximum extent pos-
22 sible, reduce, consolidate, and eliminate such duplication to
23 provide for a uniform and concise information collection
24 system.

25 (23) POWERS OF THE SECRETARY.--For the purpose of or-
26 ganizing the Department of Offender Rehabilitation and notwith-
27 standing the provisions of ss. 216.262, 216.292 and 216.351,
28 the Secretary of Offender Rehabilitation is authorized to
29 transfer appropriations between categories of appropriations
30

1 and between budget entities. However, unless expressly pro-
2 vided by law, the total of the Department of Offender Rehabili-
3 tation's approved budget shall not exceed the total appropria-
4 tion therefor, as provided by the appropriation act. In ad-
5 dition, the Secretary of Offender Rehabilitation is hereby
6 authorized to add, delete, or transfer authorized positions
7 within the state agency, and to establish new classifications
8 of authorized positions, when such changes, in the secretary's
9 opinion, would enable the agency to administer more effective-
10 ly its authorized and approved programs. The secretary may
11 exercise the authorities granted in this section without the
12 approval of the Department of Administration until July 1, 1976.
13 The department's budget request for fiscal year 1976-77 shall
14 reflect all transfers of funds and positions for all reorgani-
15 zation activities within the department for final authorization
16 by the Legislature. These powers shall be in addition to those
17 granted in subsections (21) and (24).

18 (24) TRANSFER OF AUTHORITY.--Effective January 1, 1976,
19 the functions of the Division of Corrections, the Division of
20 Youth Services, and the Parole and Probation Commission
21 assigned to the Department of Offender Rehabilitation which
22 functions relate to the daily operation of the department's
23 service programs are assigned to the regional directors, and
24 the functions of said divisions and commission which relate to
25 the development of policies, procedures and guidelines for pro-
26 viding services are assigned to the appropriate program office.
27 All statutory functions of the Department of Offender Rehabili-
28 tation not otherwise herein assigned to a specific unit of the
29 department are assigned generally to the department and may be
30

1 allocated and reallocated by the secretary to an authorized
 2 unit of the department.

3 (25) PROGRAM EVALUATION.--A comprehensive program
 4 evaluation system shall be established which shall encompass
 5 all major programs of the department. The department shall
 6 establish measurable program objectives and performance cri-
 7 teria for each program it operates. The system of evaluation
 8 to be established shall require all programs to develop quanti-
 9 fiable goals and to estimate the cost of attaining the goals
 10 in advance. Studies of the relative cost and effectiveness of
 11 departmental and alternative programs shall be conducted. The
 12 department shall develop a program evaluation schedule and
 13 shall evaluate at least 10 percent of its programs annually.
 14 The department shall submit these evaluation schedules and
 15 reports to the appropriate substantive committees of both
 16 houses of the Legislature for review. Where possible, the
 17 departmental management information system shall provide the
 18 basic information for program evaluation studies.

19 (26) RULES.--All rules of the Division of Corrections,
 20 Division of Youth Services, and the Parole and Probation Com-
 21 mission in effect or filed with the Department of State prior
 22 to the effective date of this act and transferred in accordance
 23 with the provisions of this act are repealed October 1, 1976,
 24 and the department shall publish new rules in accordance with
 25 chapter 120.

26 (27) ADVISORY COUNCILS.--All advisory councils to the
 27 Division of Corrections, Division of Youth Services or related
 28 to the field staff function of the Parole and Probation Com-
 29 mission in existence prior to the effective date of this act
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1 are abolished and their duties and responsibilities are trans-
 2 ferred to the advisory councils of the program offices created
 3 by this act.

4 Section 3. Paragraph (n) is added to subsection (2)
 5 of section 110.051, Florida Statutes, 1974 Supplement, to read:
 6 110.051 Career service; exemptions.--
 7 (2) EXEMPT POSITIONS.--The exempt positions which shall
 8 not be covered by this chapter shall include the following:
 9 (n) The regional directors and the office directors
 10 of the Department of Health and Rehabilitative Services and
 11 the Department of Offender Rehabilitation.

12 Section 4. No legal or administrative proceeding pend-
 13 ing as of the effective date of this act shall be abated be-
 14 cause of any assignment made in this act, but the unit of the
 15 Department of Offender Rehabilitation to which the function
 16 relating to the pending proceeding is reassigned shall be
 17 substituted as a party in interest in such proceeding.

18 Section 5. The department shall submit to the President
 19 of the Senate and Speaker of the House of Representatives, on
 20 a quarterly basis until April 1, 1976, for review and analysis
 21 by the substantive committees of each house of the Legislature,
 22 a written report detailing the department's progress with
 23 respect to internal reorganization, and the plan for the sub-
 24 sequent quarters for implementing the provisions of this act.
 25 The first report shall be submitted by October 1, 1975.

26 Section 6. Subsection (7) is added to section 20.04,
 27 Florida Statutes, to read:
 28 20.04 Structure of executive branch.--The executive
 29 branch of state government is structured as follows:
 30
 31

1 (7) Within the Department of Health and Rehabilitative
2 Services and the Department of Offender Rehabilitation the
3 principal policy and program development unit of the department
4 is the "office." Each "office" shall be headed by a director.

5 Section 7. The substantive committees of each house
6 of the Legislature shall prepare bills, for introduction into
7 the House of Representatives and the Senate at the next sub-
8 sequent session of the Legislature, to further clarify the
9 statutes so as to reflect the changes made by this act.

10 Section 8. If any agency, program, activity or function
11 assigned herein is changed in name or substance by another act
12 of the Legislature during the 1975 regular session, the agency,
13 program, activity or function, as amended, is assigned in a
14 manner consistent with the intent expressed by this act.

15 Section 9. If any section of this act, or any part
16 thereof, is adjudged by any court of competent jurisdiction to
17 be invalid, such judgment shall not affect, impair or invali-
18 date the remainder or any other section or part thereof.

19 Section 10. This act shall take effect July 1, 1975.
20 The department shall complete reorganizing by July 1, 1976.

LEGISLATIVE SUMMARY

Creates a Department of Offender Rehabilitation to provide rehabilitative services to youth and adult offenders on a regional basis. Transfers the Division of Corrections, the powers, duties and functions of the Division of Youth Services relating to delinquent children, and all duties and functions of the Parole and Probation Commission except those which are quasi-judicial, to the new Department of Offender Rehabilitation. Provides that the head of the department shall be a secretary who is appointed by the Governor subject to Senate confirmation.

Establishes the Adult Services, Youth Services, Health Services, and Education and Rehabilitation Program Offices within the department to advise the secretary and to develop policies and plans for offender rehabilitation relative to their respective area. Creates a Policy Council within the department to be headed by the secretary with duties which include the development of statewide policy and the coordination of programs within the department.

Creates a Human Rights Advocacy Committee within the department to help protect the civil and human rights of offenders, to review and investigate the programs of the department, and to annually report to the Legislature its findings and, additionally, creates an Office of Management and Budget within the department and vests it with responsibilities.

Provides for directors to head the several regional offices and establishes the duties of the directors. Provides for regional program advisors to advise the directors in the areas of youth, adult, health and educational and rehabilitative services. Provides for advisory councils, human rights advocacy committees, and correctional programs in each region.

By the Committee on Health and Rehabilitative Services

A bill to be entitled

1
2
3
4 A bill to be entitled
5 An act relating to correctional reorganization;
6 creating s. 20.315, Florida Statutes, to create
7 a Department of Corrections; providing for the
8 internal structure of the department; providing
9 for adult corrections district advisory
10 councils; transferring the Division of
11 Corrections, the Vocational Training Advisory
12 Council of the Department of Health and
13 Rehabilitative Services and the functions of
14 the Parole and Probation Commission relating to
15 the supervision of parolees and probationers to
16 the new department; amending s. 20.32(1),
17 Florida Statutes, redesignating the Parole and
18 Probation Commission as the Parole Commission
19 and providing its powers; adding s.
20 110.051(2)(n), Florida Statutes, to exempt
21 specified positions from the career service;
22 providing duties of the Department of
23 Administration; providing certain duties of the
24 Department of Corrections; providing for
25 discharges from commitments; providing for
26 commitments; providing duties of the Department
27 of Health and Rehabilitative Services;
28 providing for continuing effectiveness of
29 specified rules; providing severability; adding
30 s. 921.231(4), Florida Statutes, 1974
31 Supplement; providing requirements for
nonconfidential portion of presentence

CODING: Words in serif through type are deletions from existing law; words underlined are additions.

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tribution for the purpose of informing members of the Legis-
lature and the public of actions of the Senate.

1 investigation reports; amending s. 944.024(1),
 2 Florida Statutes, 1974 Supplement; providing a
 3 procedure for the performance of pretrial
 4 investigations; amending s. 945.10(4), Florida
 5 Statutes, 1974 Supplement; providing for
 6 cooperation of the Department of Corrections,
 7 the Department of Health and Rehabilitative
 8 Services, and the Parole Commission; providing
 9 for information on released felons by the
 10 Parole Commission; repealing s. 947.081,
 11 Florida Statutes, relating to the Department of
 12 Community Services of the Parole and Probation
 13 Commission; providing an effective date.

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

16
 17 Section 1. Section 20.315, Florida Statutes, is
 18 created to read:

19 20.315 Department of Corrections.--There is created a
 20 Department of Corrections.

21 (1) The head of the department is the secretary of
 22 corrections. The secretary shall be appointed by the governor
 23 subject to confirmation by the senate. The secretary shall
 24 serve at the pleasure of the governor.

25 (2) The secretary shall appoint, subject to
 26 confirmation by the senate, a deputy secretary who shall act
 27 in the absence of the secretary. The deputy secretary shall
 28 be directly responsible to the secretary and shall perform
 29 such duties as are assigned to him by the secretary. He shall
 30 serve at the pleasure of the secretary.

1 (3) The following divisions of the Department of
 2 Corrections are established:

3 (a) Division of Correctional Services;

4 (b) Division of Program Planning;

5 (c) Division of Administrative Services.

6 (4) The director of each division of the department
 7 shall be appointed by the secretary. Each division director
 8 shall serve at the pleasure of the secretary.

9 (a) The Division of Correctional Services shall be
 10 responsible for the statewide supervision of all service
 11 programs of the department, including the coordination and
 12 provision of all services in probation and parole supervision,
 13 intake, case management, diagnosis and evaluation, and
 14 classification and the management of all institutional and
 15 noninstitutional community residential and community
 16 nonresidential programs operated by the department. However,
 17 the director shall delegate as much authority and
 18 responsibility for the administration of service programs
 19 within the districts as possible to the district
 20 administrators.

21 (b) The Division of Program Planning shall be
 22 responsible for identifying needs and recommending solutions
 23 and priorities; developing service programs, including the
 24 policies and standards therefor; providing technical
 25 assistance to the district administrators; reviewing and
 26 monitoring district-level program operations; assuring uniform
 27 program quality among districts; developing funding sources
 28 external to state government; and obtaining, approving,
 29 monitoring and coordinating research and program development
 30 grants.

(c) The Division of Administrative Services shall be responsible for providing administrative and management support services above the district level, monitoring administrative and management support services in the districts, developing information and communications systems, and developing department policy in administrative support areas.

(5) (a) The department shall plan and administer its programs of correctional services through service districts composed of the following counties:

District 1 - Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;

District 2 - Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Alachua, Union, Bradford, Baker, Nassau, Duval, Clay, St. Johns, Putnam, Flagler, and Volusia Counties;

District 3 - Marion, Citrus, Hernando, Sumter, Lake, Orange, Osceola, Seminole and Brevard Counties;

District 4 - Indian River, Okeechobee, St. Lucie, Martin, Palm Beach, Broward, Monroe, and Dade Counties; and

District 5 - Pasco, Pinellas, Hillsborough, Polk, Hardee, Highlands, Manatee, Sarasota, DeSoto, Charlotte, Glades, Lee, Hendry, and Collier Counties.

To effect the orderly provision of services within a district, the secretary may, by rule, designate service areas within the district.

(b) The secretary shall appoint a district administrator for each of the service districts. Each

district administrator shall serve at the pleasure of the secretary and shall be directly responsible to the director of the Division of Correctional Services.

(c) The duties of each district administrator shall include, but not be limited to:

1. Administering the district office and directing and coordinating all personnel, institutional and noninstitutional community residential and nonresidential facilities and programs of the department located in the district, except as otherwise provided herein;

2. Applying standard information, referral, diagnostic and evaluation, classification, and case management procedures for the provision of services within the district;

3. Centralizing to the greatest extent possible the administrative functions associated with the provision of services of the department within the district; and

4. Coordinating the services provided by the department in the district with similar activities of other public and private agencies providing health, social, educational and rehabilitative services within the district.

(d) To assist him in the discharge of his responsibilities, each district administrator shall appoint a district program manager for correctional services and a district program manager for administrative services. The district program manager for correctional services shall be responsible for classification, diagnosis and evaluation, and the supervision of community facilities and programs. In those districts where there are substantial duties relating to the management of institutional programs, the district administrator may appoint a district program manager for

1 institutions. Each district program manager shall serve at
2 the pleasure of the district administrator.

3 (6) (a) Within each service district, there is created
4 an advisory council to be designated as the Adult Corrections
5 District Advisory Council. The purpose of each district
6 advisory council is:

7 1. To advise the department with respect to the
8 operation and management of adult corrections programs within
9 the district;

10 2. To review and propose additional areas of
11 cooperation between the department and the Department of
12 Health and Rehabilitative Services;

13 3. To propose services to the department which would
14 make the community programs of the department more responsive
15 to community needs and the correction of the offender and to
16 review classification procedures for community programs; and

17 4. To interpret to the community, through the personal
18 contacts and involvements of its members, the various programs
19 of the department.

20 (b) Each district advisory council shall consist of 12
21 members. The district administrator shall be a nonvoting ex
22 officio member, and the remaining 11 members shall be
23 appointed by the governor, as follows:

24 1. One sheriff of a county within the district;

25 2. One circuit judge exercising juvenile jurisdiction
26 within the district;

27 3. One circuit judge exercising criminal jurisdiction
28 within the district;

29 4. One state attorney within the district;

30 5. One public defender within the district;

31

1 6. One member of a board of county commissioners of a
2 county within the district;

3 7. One member of a district school board of a school
4 district within the district;

5 8. One district administrator of the Department of
6 Health and Rehabilitative Services;

7 9. One employee of the Florida State Employment
8 Service of the Department of Commerce; and

9 10. Two members of the public residing within the
10 district, one of whom may be an ex-offender.

11 Each member of a district advisory council shall be appointed
12 for a term of 2 years, except that six of the initial members
13 of each council shall be appointed for terms of 1 year each.
14 An appointment to fill a vacancy shall be for the remainder of
15 the unexpired term only.

16 (c) Each district advisory council shall elect a
17 chairman, a vice-chairman and a secretary, each of whose terms
18 shall be for 1 year. Neither the district administrator nor
19 any employee of the Department of Corrections or the
20 Department of Health and Rehabilitative Services shall be
21 eligible to serve as chairman.

22 (d) Each district advisory council shall hold meetings
23 quarterly. Additional meetings shall be held upon the call of
24 the chairman or upon the petition of a majority of the members
25 to the chairman.

26 (e) Each district advisory council shall designate a
27 subcouncil from its membership for each service area
28 designated by the secretary.

29 (f) Before November 1 of each year, the secretary
30 shall hold a meeting to which each district advisory council
31

1 shall send three of its members to discuss the department's
2 budget request and recommendations to the legislature and to
3 provide the secretary with an analysis of needs within the
4 districts. Each member attending such meeting shall be
5 entitled to reimbursement for travel expenses pursuant to s.
6 112.061.

7 Section 2. (1) The Division of Corrections of the
8 Department of Health and Rehabilitative Services is
9 transferred by a type three transfer, as defined in s.
10 20.06(3), Florida Statutes, to the Department of Corrections.

11 (2) The Vocational Training Advisory Council is
12 transferred by a type one transfer, as defined in s. 20.06(1),
13 Florida Statutes, to the Department of Corrections.

14 (3) All powers, duties and functions of the Parole and
15 Probation Commission relating to the supervision of parolees
16 and probationers are transferred to the Department of
17 Corrections by a type four transfer, as defined in s.
18 20.06(4), Florida Statutes, and the Parole and Probation
19 Commission is redesignated the Parole Commission. The
20 commission shall retain upon this transfer such
21 administrative, clerical, and investigatory personnel as are
22 necessary for the granting and revocation of parole.

23 (4) All statutory functions of the Department of
24 Corrections not otherwise herein assigned to a specific unit
25 of the department are hereby assigned generally to the
26 department and may be allocated and reallocated by the
27 secretary to an authorized unit of the department.

28 (5) The Department of Administration shall assist with
29 effectuating the transfers made by this act.

30 Section 3. Subsection (1) of section 20.32, Florida
31 Statutes, is amended to read:

1 20.32 Parole and Probation Commission.--

2 (1) The Parole and Probation Commission, authorized by
3 s. 8(c), Art. IV, State Constitution of 1968, shall have the
4 power, by law, to grant paroles or conditional releases to
5 persons under sentences for crime is continued and retains its
6 powers, duties, and functions.

7 Section 4. Paragraph (a) is added to subsection (2) of
8 section 110.051, Florida Statutes, to read:

9 110.051 Career service; exemptions.--

10 (2) EXEMPT POSITIONS.--The exempt positions which
11 shall not be covered by this chapter shall include the
12 following:

13 (a) District administrators and district program
14 managers of the Department of Corrections; provided that,
15 unless otherwise fixed by law, the salary of each district
16 administrator shall be set by the secretary of the Department
17 of Corrections on the basis of the number and types of clients
18 served and population and geographic factors within the
19 district in an amount of at least 75 percent of the salary of
20 the secretary of the Department of Corrections, and the salary
21 of each program manager shall be equal to 75 percent of the
22 salary of the district administrator for the district in which
23 he serves.

24 Section 5. The Department of Corrections shall
25 classify its programs according to the character and range of
26 services available for its clients. The department shall
27 place each offender in the program or facility most
28 appropriate to his needs, subject to budgetary limitations and
29 the availability of space.

30 Section 6. When the law grants to an agent, officer,
31 or administrator of the Department of Corrections the

1 authority to make a discharge from commitment, such authority
2 shall be vested in the secretary of corrections, or in any
3 agent who in his discretion he may authorize.

4 Section 7. All commitments authorized to be made by
5 law to the supervision of the Parole and Probation Commission
6 or the Division of Corrections shall be made to the
7 supervision of the Department of Corrections. All commitments
8 shall state the statutory authority therefor. The secretary
9 of corrections shall have the authority to prescribe the form
10 to be used for commitments. Nothing in this act shall be
11 construed to waive, abridge, or modify any statutory
12 requirements, criteria, or safeguards of the commitment laws,
13 nor abridge the rights of any person thereunder.

14 Section 8. The Department of Health and Rehabilitative
15 Services shall make available, on a contract basis, health
16 care services for offenders who are in institutional and
17 noninstitutional community residential programs of the
18 Department of Corrections. In addition, the department shall
19 furnish, within budgetary limitations, social and
20 rehabilitative services to offenders under the supervision of
21 the Department of Corrections and their families, to the
22 extent to which they are eligible for such services.

23 Section 9. (1) The Department of Corrections shall
24 accomplish the reorganization directed by this act within the
25 resources and appropriations provided for existing programs
26 transferred to it.

27 (2) Notwithstanding the provisions of s. 216.351,
28 Florida Statutes, the Department of Corrections is authorized,
29 for fiscal year 1975-1976, to add, delete, classify,
30 reclassify, or transfer authorized positions and to transfer
31 appropriated funds within the department to administer more

1 effectively its authorized and approved programs. The
2 department shall make monthly reports of actions taken under
3 this subsection, for information only, to the president of the
4 senate, the speaker of the house of representatives, and the
5 secretary of the Department of Administration.

6 Section 10. All rules of the agencies transferred
7 herein to the Department of Corrections and all rules of an
8 agency which relate to a function of an agency which function
9 is transferred herein to the Department of Corrections in
10 effect, or filed with the Department of State prior to the
11 effective date of this act, shall continue in effect as rules
12 of the Department of Corrections until October 1, 1976 unless
13 sooner repealed.

14 Section 11. No legal or administrative proceeding
15 pending as of the effective date of this act shall be abated
16 because of any transfer made in this act, and any department
17 to which is transferred the powers, duties, and functions of
18 an agency relating to a pending proceeding shall be
19 substituted as a party in interest in such proceeding.

20 Section 12. If any agency, program, activity or
21 function transferred herein is changed in name or substance by
22 another act of the legislature during the 1975 regular
23 session, the agency, program, activity or function, as
24 amended, is transferred in a manner consistent with the intent
25 expressed by this act.

26 Section 13. The Division of Statutory Revision and
27 Indexing of the Joint Legislative Management Committee shall
28 prepare bills, for introduction by the appropriate committees
29 of the house of representatives and the senate at a subsequent
30 session of the legislature, to further clarify the statutes so
31 as to reflect the changes made by this act.

1 Section 14. If any provision of this act or the
2 application thereof to any person or circumstance is held
3 invalid, the invalidity shall not affect other provisions or
4 applications of the act which can be given effect without the
5 invalid provision or application, and to this end the
6 provisions of this act are declared severable.

7 Section 15. Subsection (4) is added to section
8 921.231, Florida Statutes, 1974 Supplement, to read:

9 921.231 Presentence investigation reports.--

10 (4) The nonconfidential portion of the presentence
11 investigation report shall constitute the basic classification
12 and evaluation document of the Department of Corrections and
13 shall contain a recommendation to the court on the treatment
14 program most appropriate to the diagnosed needs of the
15 offender based upon his custody classification, rehabilitative
16 requirements, and the utilization of treatment resources in
17 proximity to his home environment.

18 Section 16. Subsection (1) of section 944.024, Florida
19 Statutes, 1974 Supplement, is amended to read:

20 944.024 Adult intake and evaluation.--The state system
21 of adult intake and evaluation shall include:

22 (1) The performance of pretrial investigation through
23 a decentralized, community-based procedure when-applicable.

24 Section 17. Subsection (4) of section 945.10, Florida
25 Statutes, 1974 Supplement, is amended to read:

26 945.10 Investigations by Parole and-Probation
27 Commission; confidential.--

28 (4) The Department of Corrections, the Department of
29 Health and Rehabilitative Services divisions and the commission
30 shall mutually cooperate for the proper performance of the
31 respective functions of each agency, and the secretary of the

1 Department of Health and Rehabilitative Services shall make
2 certain that all appropriate services and programs of his
3 department are made available to persons under the custody of
4 the Department of Corrections.

5 Section 18. The Parole Commission shall, within ten
6 (10) days of the anticipated date of release of an inmate on
7 parole, inform the appropriate local criminal justice agencies
8 in the community in which the inmate is scheduled to be
9 released.

10 Section 19. Section 947.081, Florida Statutes, is
11 hereby repealed.

12 Section 20. This act shall take effect July 1, 1975.

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16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR SENATE BILL 169

- 19
20
21 1. The eleven district areas established in Subsection
22 (5)(a) have been consolidated into five areas to
23 conform with the service regions recommended by
24 Chapter 74-112, the Florida Correctional Reform Act
25 of 1974.
26 2. A new Section 18 is added on page 13 to require the
27 Parole Commission to inform local criminal justice
28 agencies of the release of inmates on parole.
29 3. Title amendment to reflect the above change.
30
31

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MAJOR ISSUES OF DIFFERENCE IN
CORRECTIONS' REORGANIZATION BILLS

1. Senate has department of corrections. House has department of offender rehabilitation.
2. House bill has very explicit intent language
3. House bill has very explicit purpose language
4. House allows for departmental designation of regions by rule. Senate specifies counties in each district in bill.
- * 5. House transfers DYS delinquency programs to new department
- * 6. House transfers field staff of the Parole and Probation Commission to the new department while the Senate retains greater number of employees for the Commission and grants the Commission rulemaking power over the DOOR (page 7 of comparison).
- * 7. House bill does not permit a separate administrative structure within the commission nor a separate information system.
- * 8. House bill transfers functions that relate to daily operation of programs to regions and administrative functions to the office of management and budget. Senate bill provides that the division directors may delegate such functions to district administrators as deemed necessary.
9. House bill provides more detail as to the responsibilities of the secretary.
- * 10. Senate bill creates three divisions headed by director appointed by secretary. The divisions are:
 - a. Parole, Probation, and Correctional Services
 - b. Program Planning
 - c. Administration Services

See pages 10-11 of comparison for detailed responsibilities of divisions.

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- *11. House bill creates four program offices headed by a director appointed by secretary. The four offices are:

- a. Adult Services
- b. Youth Services
- c. Health Services
- d. Educational and Rehabilitative Services

See pages 10-13 of comparison for detail of responsibilities

- *12. House bill specifically denies any line authority over regional staff to program offices--limited to 200 professional. Senate bill grants line authority to division director for Parole, Probation, and Correctional Services.
13. House bill provides an advisory council to each program office may be appointed and repeals existing advisory councils.
- *14. House bill provides for the creation of statewide advisory council, specifies duties; membership responsibilities (page 24).
- *15. House bill provides for statewide and regional HRAC, membership, responsibilities, powers, methods of appeal, etc.
- *16. House bill creates an office of management and budget for all departmentwide management, planning and evaluation and administrative functions previously carried out by line divisions. See page 18 for detail.
17. House bill creates regional office of management and budget for support services to regional director.
18. House bill provides for the creation of regional directors who serve at the pleasure of and report to the secretary. His duties and salary level are specified in detail (page 21). Senate bill provides for the creation of district administrators who serve at the pleasure of the secretary and report directly to the director of the Division of Parole, Probation, and Correctional Services. The district administrators' responsibilities are detailed on page 21.

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18. (continued)

In addition, the Senate bill requires the appointment of a program manager for parole and probation, correctional services, and administrative services. This manager serves at the pleasure of the district administrator and is responsible for his area of programmatic or administrative expertise.

By comparison, the House bill appoints four regional program advisors (one per statewide program office) who are advisory in nature to the regional director. Their job is perceived as essentially providing programmatic expertise (page 22). In addition, the House bill provides for the appointment of local program supervisors (pages 27-28) who report to the regional director and supervise the daily program operation.

19. House bill has further intent language for regional operations.
20. House and Senate bills provide for regional advisory council. Membership, duties and responsibilities are different.
21. House bill provides language (page 27) which specifies the relationship of programs within the region. Provides for separate youth and adult programs. Permits consolidated probation, supervision, and classification services.
- *22. Senate bill permits DHRS to provide rehabilitative services to inmates. House bill allows purchase of services from any provider.
- *23. Senate bill mandates the provision of health services by DHRS to inmates.
24. Senate bill amends s. 945.10 (PPC) to insure service delivery by DHRS to inmates.
- *25. House bill specifies departmental budgeting procedures.
- *26. House bill provides for development of unified information system.

CONTINUED

1 OF 2

- *27. House bill provides for program evaluation.
- *28. House bill repeals all rules effective October 1, 1976 and requires re-promulgation.
- 29. Senate bill transfers vocational training council
- 30. House bill requires quarterly reports on implementation
- *31. Senate bill requires a plan to be submitted to the Department of Administration by September 1, 1975 which indicates implementation plan to be accomplished by January 1, 1976.
- 32. House bill requires substantive committees to prepare conforming legislation. Senate bill requires statutory revision to perform this task.
- *33. House bill amends s. 20.04 to provide for an "office" as principal policy and program development unit of the two departments.
- *34. Senate bill exempts district administrators and program supervisors from career service.. Amends s. 110.054 (20 positions).
- 35. Senate bill provides some clarification language as to the roles and responsibilities of the new department and the commission.
- 36. Senate bill amends s. 921.231 relating to pre-sentence investigations.

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945.061 Correctional work program objectives.—In adopting or modifying master plans for correctional work programs, and in the administration of the Department of Corrections, it shall be the objective of the department to develop:

(1) Attitudes favorable to work, the work situation, and a law-abiding life in each inmate employed in the correctional work program.

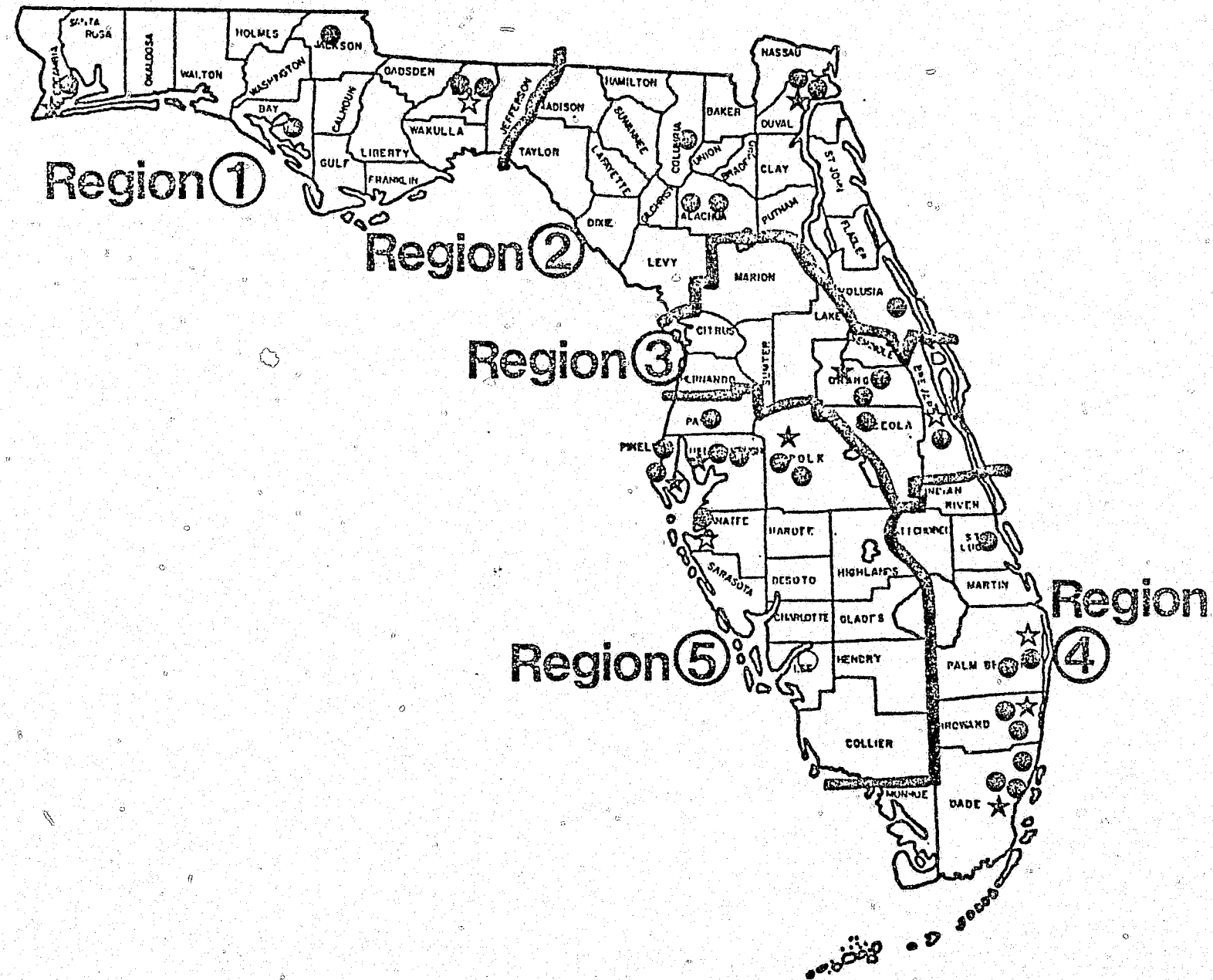
(2) Training opportunities that are reasonably broad, but which develop specific work skills.

(3) Programs that motivate inmates to use their abilities. Inmates who do not adjust to these programs shall be reassigned.

(4) In cooperation with its regional advisory councils, training programs which will be of mutual benefit to all governmental jurisdictions of the state by reducing the costs of government to the taxpayers and which integrate all instructional programs into a unified curriculum suitable for all inmates, but taking account of the different abilities of each inmate. The department shall avail itself of the services of local manpower planning councils to assess the employment opportunities for released inmates.

History.—s. 6, ch. 76-273; s. 1, ch. 77-174; s. 82, ch. 79-3.

DEPARTMENT OF CORRECTIONS



APPENDIX F

APPENDIX G

DEPARTMENT OF CORRECTIONS REGIONAL ADVISORY COUNCIL MEMBERSHIP

MEMBER CATEGORY	REGION 1	REGION 2	REGION 3	REGION 4	REGION 5
State Attorney	Curtis Golden 1st Judicial Circuit	Ed Austin 4th Judicial Circuit	Douglas Cheshire 18th Judicial Circuit	Jeff Gautier 16th Judicial Circuit	James T. Russell 6th Judicial Circuit
Public Defender	Ted Mack 2nd Judicial Circuit	James B. Gibson 7th Judicial Circuit	Harry Wesley Carls III 9th Judicial Circuit	Richard L. Joranby 15th Judicial Circuit	Judge C. Luckey, Jr. 13th Judicial Circuit
Sheriff	Charles Applewhite Jackson County	Dale Carson Duval County	Rollin Zimmerman Brevard County	Bob Butterworth Broward County	Thomas Burton, Jr. Manatee County
County Commissioner	Gayle Nelson Leon County	Dr. P. T. Fleuchaus Volusia County	Sandra Glenn Seminole County	Clara Osterle Dade County	Louis Driggers Manatee County
School Board Member	Evelyn Martin Leon County	June Epperson Columbia County	Renee Pat Telson Seminole County	Joyce Knox Dade County	Joan B. Spanjers Polk County
Florida State Employment Service	Judy Stephens Marianna, Florida	Brenda B. Brown Jacksonville, Florida	Barbara Creamer Leesburg, Florida	Virginia M. Sharp West Palm Beach	Edith D. Gilbert Tampa, Florida
Circuit Judge - Juvenile	Jere Tolton 1st Judicial Circuit	Lamar Winegeart, Jr. 4th Judicial Circuit	Ron W. Powell 9th Judicial Circuit	Dwight L. Geiger 19th Judicial Circuit	Oliver L. Green, Jr. 10th Judicial Circuit
Circuit Judge - Criminal	Ben C. Willis 2nd Judicial Circuit	Richard O. Watson 7th Judicial Circuit	Carven D. Angel 5th Judicial Circuit	N. Joseph Durant, Jr. 11th Judicial Circuit	Harry W. Fogle 6th Judicial Circuit
Citizen	E. W. Woods Chipley, Florida	Charles Chestnut Gainesville, Florida	Rev. Frank Costantino Orlando, Florida	Peggy Berg Ft. Pierce, Florida	John T. Beckett Ft. Myers, Florida
Citizen	Harry Kahn Pensacola, Florida	John S. Detweiller Gainesville, Florida	Violet Saltsman Webster, Florida	Tom Conley Okaloosa, Florida	Jerold Knight Bowling Green, Fla.
Citizen	Henrietta B. Swilley Panama City, Florida	Henry Floyd Orange Park, Florida	Rev. Nelson Pender Orlando, Florida	Ron Lieberman, P.A. Miami, Florida	Rev. James Holmes Tampa, Florida
Citizen	James M. Brigman, USNC Pensacola, Florida	Dr. Gerold L. Schiebler Gainesville, Florida	Andrea Edgington Clermont, Florida	Culbert Marzine Chisolm Stuart, Florida	Lena C. Blomstrom St. Petersburg, Florida

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APPENDIX G

APPENDIX H

DEPARTMENT OF CORRECTIONS REGIONAL ADVISORY COUNCILS MEETINGS AND ATTENDANCE 1975-1980

YEAR	REGION 1		REGION 2		REGION 3		REGION 4		REGION 5	
	MEETING DATE	MEMBERS PRESENT	MEETING DATE	MEMBERS PRESENT	MEETING DATE	MEMBERS PRESENT	MEETING DATE	MEMBERS PRESENT	MEETING DATE	MEMBERS PRESENT
1975	NO APPOINTMENTS MADE BY GOVERNOR.									
1976	NO APPOINTMENTS MADE BY GOVERNOR UNTIL DECEMBER.									
1977	3/24/77	Info.	2/15/77	6	3/7/77	11	3/1/77	Info.	3/16/77	7
	5/77	not	3/29/77	4	6/9/77	9	6/7/77	not	4/15/77	7
	6/22/77	Provided	4/26/77	7	8/18/77	10	9/8/77	Provided	5/27/77	6
	9/14/77				10/6/77	7	12/15/77		7/29/77	7
									10/14/77	5
1978	Did not meet because of Chairman's surgery.		2/9/78	3	1/25/78	7	2/17/78	Info.	2/3/78	8
			5/25/78	5	2/16/78	4	5/26/78	not	4/7/78	6
			8/3/78	3	4/20/78	6	9/14/78	Provided	6/23/78	9
			11/30/78	4	6/15/78	5			10/6/78	4
					6/27/78	4				
					7/17/78	3				
					8/17/78	4				
					11/30/78	4				
					12/21/78	6				
1979	Did not meet because of Chairman's heavy court docket.		2/2/79	4	2/15/79	4	11/30/79	Info.	3/30/79	1
			6/8/79	Unknown	3/15/79	6		not		
					4/19/79	5		Provided		
					6/21/79	4				
					11/15/79	5				
1980	Became active during last 6 months	Info.	2/13/80	6	1/17/80	4	Info. not provided		3/26/80	9
		not	5/16/80	6	3/20/80	4			6/4/80	5
		Provided			5/29/80	7				

APPENDIX H

END