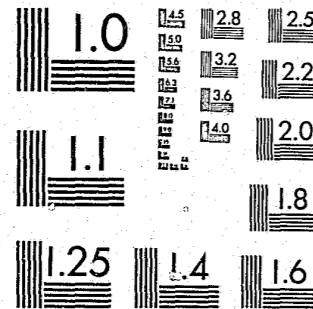


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9/26/83

CR-Sent 6-1-83
2821



A REVIEW OF
THE PRISON INDUSTRY COMMISSION
IN THE DEPARTMENT OF CORRECTIONS

PREPARED PURSUANT TO THE SUNDOWN ACT

BY STAFF OF
THE FLORIDA SENATE COMMITTEE ON
CORRECTIONS, PROBATION AND PAROLE

NOVEMBER - 1980

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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 benefits derived from the various boards, committees, commissions, and councils adjunct to executive agencies of the state would serve the public interest. In 1978, several of these inactive units of government were abolished; however, those that were functioning at the time were scheduled for abolition on October 1, 1981. The Sundown Act requires the Legislature to review these entities, based on their contribution to the public interest, and to determine which, of any, should be reestablished. Finally, the Sundown Act prohibits the creation or reestablishment of such a unit of government for more than six years.

The following review concerns the Prison Industry Commission created by §945.065, Florida Statutes.

The review examines the provisions of the law which relate to the Prison Industry Commission. It addresses the manner in which the Commission operates, its current revenues and expenditures, and its relationship to the Department of Corrections. The goals and accomplishments of the Commission, since its establishment in 1976 are reviewed, as are other means of serving the public need and the potential impact of Sundown. These findings are followed by conclusions

regarding public benefit and a recommendation regarding the continued existence of the Prison Industry Commission.

SUMMARY

II. Summary

Authorization for a Prison Industry Commission is found in §945.065, Florida Statutes, and the Commission's powers and duties are specified in §945.066, Florida Statutes. The 1976 Florida Legislature included the creation of the Prison Industry Commission in a compromise package affecting many aspects of prison work programs (HB 3958 - 1976) Subsequent amendments to these statutes scheduled the Prison Industry Commission for Sunset review by the 1981 Legislature (Chapter 78-323) and changed the name of the Department of Offender Rehabilitation to the Department of Corrections. (Chapter 79-3)

The Prison Industry Commission was to be composed of eight commissioners, appointed by the Governor and confirmed by the Senate for terms of four years. The qualifications of seven members are specified by statute and only these seven were initially appointed. The law requires the Commission to hold an organizational meeting upon appointment and to meet at least four times annually. Commissioners are to be reimbursed for travel and per diem, but receive no additional compensation.

The powers and duties of the Prison Industry Commission include the planning of a correctional work program that will provide training and work experience for inmates that will aid in their rehabilitation while not creating undue competition with private enterprise; recommending the establishment of industries that can be operated primarily by inmates, are

profitable to the state, are beneficial to training, and produce items that are needed and used by state and federal agencies or political subdivisions thereof; reviewing the correctional work program on an annual basis to determine if undue competition with private enterprise exists, and recommending adjustments to the program which will avoid such competition; determining the self-sufficiency of existing industries and recommending policies that will enable each industry to operate on a self-sustaining basis; and providing an annual report of the status of the correctional work program to the Governor, the Legislature, and the Secretary of the Department of Corrections. Corresponding with these responsibilities, the statutes provide for the Department of Corrections to implement a correctional work program considering the recommendations of the Commission, to administer the correctional work program, and to provide the Commission with staff support. Although the statutes are quite comprehensive with respect to the membership and duties, the report that follows notes a number of technical difficulties and confusing provisions in the law.

The Prison Industry Commission is not authorized to promulgate rules, nor do any of the Department of Corrections rules relate directly to the Commission or to the Department's relationship with this advisory body. The Commission and the Department have adopted policies to guide their actions in

the following areas: pricing of industrial products, criteria for establishment of new industry programs, and objectives for the Prison Industry Commission.

The goals and objectives of the Prison Industry Commission closely parallel its statutory duties. These are notably task oriented and do not provide a pervasive philosophical basis to guide the Commission's actions; however, they do catalogue a specific agenda by which the effectiveness of the Commission might be gauged. However, circumstances beyond the control of either the Commission or the Department have prevented this body from meeting most of its goals and objectives. Specifically, a delay in the initial appointments to the Commission and subsequent failure by two Governors to reappoint or replace any Commissioner whose term had expired, has created a great deal of confusion. The lack of activity on the part of the Commission over the past two years can be viewed as a partial but direct result of these appointment problems.

In reviewing four years of the Prison Industry Commission's existence, it can be said that the advisory relationship with the Department of Corrections has yet to be tested. The law establishing the Prison Industry Commission seems to imply a proactive advisory role. In actuality, the Commission has been relatively passive; approving the Department's plans rather than initiating its own.

Of all the responsibilities of the Commission, the Department of Corrections has indicated that its role as a

moderator in instances where undue competition is alleged, is the most significant. Procedures have been discussed for assessing the impact of a new industry on existing private enterprise, however, the Commission has found the concept of undue competition particularly difficult to define. When undue competition complaints have arisen, the affected industry is asked to submit a confidential report detailing its market so that the Commission might decide, on a case by case basis, if undue competition does exist. No industry that has appeared before the Commission has filed such a report and thus the Commission has yet to make a determination on this issue.

As staff for the Commission is provided by the Department of Corrections and as Commissioners receive no compensation, the existence of the Prison Industry Commission has had a negligible financial impact on the state, averaging only \$1,351.36 a year in expenditures.

Although the Prison Industry Commission has met very few of its official goals, objectives and statutory responsibilities, accomplishments are not altogether absent. Meetings of the Commission have been held at various correctional institutions around the state so that members could familiarize themselves with prison industry operations. The Commission's recommendation and strong support of a separate classification for industrial personnel and an increase in the earned surplus cap is felt by the Department of Corrections to have been

instrumental in acquiring these changes. And although the Prison Industry Commission has not made a final determination on an undue competition issue, the fact that a citizen's board of review is available and has heard complaints on this issue is viewed as sufficient justification for the Commission's existence.

Abolition of the four year old Prison Industry Commission would probably not have a significant effect on the correctional work program, which dates back more than 100 years. However, should the authorization for the Prison Industry Commission expire, there would likely be three primary areas in which the impact of such a move would be felt. The absence of a Prison Industry Commission would eliminate the sole forum for private enterprise to discuss actual or potential competition problems. The makeup of the Commission is such that expertise in most areas of industry operations is available and this group can provide an objective, ongoing review of the Department's industry activities. Finally, the Prison Industry Commission is the only means for public input into the operation of a multi-million dollar state-run program. Should the Commission be abolished, there are few feasible alternative agencies to assume these functions.

As the Prison Industry Commission has had little success in meeting its goals, and as it has been virtually inactive over the past two years, one could justifiably conclude that this Commission is not necessary. However, the limited

contributions of the Prison Industry Commission are linked directly to factors outside the control of the Commission and the Department of Corrections - namely, the problems in appointments to the Commission. Secondly, the issue of the dramatic increase in prison population experienced in 1975 and 1976, and the need for an expansion of industry operations has changed little in the past four years and the need for an advisory body to assist in this expansion remains.

After careful consideration of the need for and benefit derived from the Prison Industry Commission, this report recommends that the 1981 Legislature reauthorize the Prison Industry Commission ONLY IF the Governor will make a strong commitment to support the Commission through timely appointments and if the Legislature is prepared to correct the technical errors and confusing portions of the existing statutes governing the Commission.

FINDINGS

III. Findings

A. The Law

The authorization for a Prison Industry Commission is found in §945.065, Florida Statutes, and the Commission's powers and duties are specified in §945.066, Florida Statutes. (See Appendix 1)

1. History

Although House Bill 3958 of the 1976 legislative session created the Prison Industry Commission, the bill, as originally filed, did not include this provision. Creation of the Commission was one of several changes to the existing prison industries program made by the 1976 Legislature. House Bill 3958 by Representatives Fortune and Fachtel was made into a Committee Substitute by the House Committee on Health and Rehabilitative Services. The Committee Substitute was subsequently amended on the floor of the House of Representatives and passed that body unanimously; however, this version did not include the creation of a Prison Industry Commission. (See Appendix 2)

In the meantime, the Senate Committee on Health and Rehabilitative Services offered a Committee Substitute for two bills dealing with industrial operations in correctional institutions; Senate Bills 129 and 245. (See Appendix 2) It was Senate Bill 245 by Senator Ware and others that initiated the concept of a Prison Industry Commission. The Senate

considered Committee Substitute for House Bill 3958 with amendments, to incorporate the concept of a Prison Industry Commission. House Bill 3958, as amended, passed the Senate with one dissenting vote and was returned to the House of Representatives. The House concurred in the Senate amendments with one dissenting vote and the act was approved by Governor Askew and became law; Chapter 76-273. (See Appendix 2)

Since the creation of the Prison Industry Commission in 1976, §945.065 has been amended twice by the Florida Legislature. In 1978 the Commission was scheduled for Sunset review in 1981 by Chapter 78-323. In 1979, references to the Department of Offender Rehabilitation were changed to read Department of Corrections by Chapter 79-3. Section 945.066, "Powers and duties of the commission," has not been changed since its enactment in 1976.

2. Intent

Correctional work programs have been a central element throughout the history of Florida's prison system, predating even the organization and central administration of a state penal system. Although records are poor, it is known that by 1877 the infamous convict leasing system had begun. By 1911, however, abuses in this "work program" had become so rampant that a Prison Bureau was established under the Commissioner of Agriculture. In 1913 land was acquired in Bradford County for the establishment of the Florida State

Prison Farm. Work remained the central focus of Florida's penal sanctions as evidenced by the 1917 Legislature's creation of a convict road force under the control of the State Road Department. By 1939 manufacturing and agricultural activities were performed in the state's two penal institutions at Raiford and Belle Glade. (James P. Davis, Report to President Franklin Roosevelt on Prison Problems in Florida, June 13, 1939)

In 1957 a Department of Corrections was established under the jurisdiction of the Board of Commissioners of State Institutions. Legislation reorganizing the correctional system again recognized the importance of work programs. In conjunction with the establishment of a Department of Corrections, the Advisory Council on Adult Corrections and Prison Industries was created; Chapter 57-213. (See Appendix 3) The membership requirements and authorization for this council was quite similar to the provisions relating to the current Prison Industry Commission. Although records of the Council's activities are unavailable, staff of the Department of Corrections recall that the Council's repeal in 1972 was due to several years of inactivity. It should be noted that four years after doing away with this advisory body, the Legislature reestablished the concept in creating the Prison Industry Commission.

This very brief outline of "industrial" programs in Florida's correctional system is intended to emphasize the integral part work has played in over 100 years of penal sanctions in this state. More than a program, work can be considered a philosophy upon which the system has been built. Work programs existed 80 years prior to the first notion of an advisory body. Thus, the presence or absence of a Prison Industry Commission would not be likely to significantly affect this firmly entrenched correctional idea.

As the creation of the Prison Industry Commission was only one of many changes to the existing operation of correctional work programs, neither the law nor the staff reports for CS/SB 129 and 245 or CS/HB 3958 reflect specific legislative intent regarding the establishment of the Prison Industry Commission. (See Appendix 4) These reports, however, do reflect the interest of the Legislature in providing a maximum number of inmates of correctional institutions with constructive work opportunities to aid in rehabilitation through the development of general and specific work skills and to minimize the cost to the state of incarceration through self-sufficient industrial operations that could efficiently and economically meet the needs of state institutions, agencies, and political subdivisions. In this regard, the industrial and agricultural operations of the Texas Department of Corrections were carefully examined.

The State of Texas does not have an industrial advisory board per se; however, a Commission oversees the administration of the entire Department of Corrections.

Impetus for the creation of a Prison Industry Commission, as reported by the Florida Department of Corrections, was the tremendous growth in the prison population experienced in the year 1976 and the preceding two years. As a result, the Department was facing a necessary rapid expansion of its work programs, including its industrial operations, to provide work opportunities for the burgeoning inmate population. The Legislature, in creating a Prison Industry Commission, apparently felt the need for an advisory body to assist the Department in this expansion effort.

3. Provisions

Section 945.065, Florida Statutes, (See Appendix 1) establishes a Prison Industry Commission to be composed of eight commissioners, seven of whom are specified by statute as follows: two shall be representatives of Florida-based business, two shall be representatives of agriculture, two shall be representatives of vocational education and one shall be the Secretary of the Department of Corrections. The members of the Commission, with the exception of the Secretary, are to be appointed by the Governor and confirmed by the Senate, are to serve four year terms, and may be reappointed. The terms of the initial commissioners were staggered so that a complete turnover in membership would

not occur each four years. The Secretary of the Department of Corrections' term as a member of the Prison Industry Commission is indefinite and corresponds with his term as Secretary.

After initial appointment, the members of the Commission are to hold an organizational meeting at which a chairman, and such other officers as may be determined, are elected for terms of one year. Officers may be re-elected. The statute prohibits the Secretary of Corrections from holding an office on the Prison Industry Commission. The Commission is required to meet four times a year and may hold additional meetings at the call of the chairman, provided that members are given at least three days notice. Subsection (4) of §945.065 establishes the quorum at a majority of the members, and action may be taken by a simple majority of those present at a meeting where a quorum is present.

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

The powers and duties of the Prison Industry Commission are specified in §945.066, Florida Statutes, (See Appendix 1) and include the planning of a correctional work program that will provide training and work experience for inmates that will aid in their rehabilitation, yet will not create undue competition with private enterprise; recommending the establishment of industries that can be operated primarily by inmates, are profitable to the state, are beneficial to

training, and produce items that are needed and used by state and federal agencies or political subdivisions thereof; reviewing the correctional work program on an annual basis to determine if undue competition with private enterprise exists, and recommending adjustments to the correctional work program which will avoid such competition; determining the self-sufficiency of existing industries and recommending policies which will enable each industry to operate on a self-sustaining basis; providing an annual report of the status of the correctional work program to the Governor, the Legislature, and the Secretary of the Department of Corrections; and, recommending the award of gain-time credits for participation in the correctional work program.

Additionally, this statute specifies the responsibilities of the Department of Corrections with respect to the Prison Industry Commission. The Department is to implement a correctional work program considering the recommendations of the Commission, work with the Commission, administer the correctional work programs, and provide the Commission with staff support to carry out its statutory responsibilities.

Although there have been changes to the original law, these being small in number and technical for the most part, there exist several problems with the authorization and responsibilities of the Prison Industry Commission.

While §945.065(1) specifies that the Prison Industry Commission shall be composed of eight commissioners, only seven commissioners are identified in the statute either by their background, knowledge, or position. The language is unclear regarding the qualifications of the eighth commissioner, or even if eight members are intended. The Division of Statutory Revision, in compiling the 1976 Supplement to the Florida Statutes, indicated that two commissioners should represent organized labor and one commissioner should represent vocational education, with the remaining five commissioners representing business, agriculture, and the Secretary of the Department as is current law. This interpretation was based on a suspected typographical error in amending the bill on the Senate floor; however, the 1977 Legislature did not confirm this as an error and the statute remains unclear concerning the eighth commissioner.

It is presumed that this uncertainty accounted for the original appointment of only seven commissioners and the body has operated in spite of this statutory confusion. Although no corrective legislation or Attorney General opinion has been sought by the Department of Corrections, the minutes of the March 22, 1977 Prison Industry Commission meeting reflect that an inquiry was made of the Governor concerning appointment of the eighth commissioner. At that time the Governor chose not to make this appointment; however,

he did not recommend statutory changes, so that an eighth commissioner might be appointed at some future date.

Lack of clarity regarding membership of the Commission could affect the legitimacy of most Commission actions to date. The quorum is set by §945.065(4) at a "majority of the members." Thus, a quorum of four commissioners which would represent a majority of the seven members may not be sufficient to take action. The Commission has met six times with only four members and has met four times with five or more members.

Section 945.065(2) states that the "Secretary of Corrections shall be a member of the Prison Industry Commission so long as he shall remain in that position." While the intent of the language may be evident, grammatically, "that position" refers to "member of the Commission" rather than "Secretary of Corrections." Thus, a literal interpretation would mean that the Secretary, once seated on the Commission, could remain on the Commission as long as he chose, whether or not he continued to serve as Secretary of Corrections. Further, this same subsection contains an explanation of how vacancies on the Commission are to be filled. This language is replete with prepositions and awkward at best: "Vacancies shall be filled by appointment for the remainder of the term by the occupant of the office from which the appointment to the vacant seat was originally made."

In addition to creating the Prison Industry Commission, House Bill 3958 also renamed prison industries as "correctional work programs." Thus, a "Prison Industry" Commission exists yet "prison industries" technically do not. To aggravate this situation, the term "correctional work program" is never specifically correlated with what was once known as prison industries, nor is the term defined by statute. The Department of Corrections still makes a distinction between those programs funded by general revenue and those funded by trust monies, the latter continuing to be known as Prison Industries.

Section 945.065(2), Florida Statutes, provides for an organizational meeting of the Commission after members are appointed. The purpose of such a meeting is to elect officers whose terms are to run for one year. The statute is unclear as to whether such organizational meetings are to be held annually or upon appointment of new members, or both; and whether or not the organizational meeting would count toward fulfilling the statutory requirement to meet four times annually.

Commissioners are authorized by statute, §945.065(5), to be reimbursed for travel expenses and per diem when attending meetings of the Prison Industry Commission. It is presumed that such reimbursement be made from the Correctional Work Program Trust Fund; however, the Florida Statutes are not specific on this point. Neither is there

any statutory indication that staff support for the Commission, which, according to §945.066(6), is to be provided by the Department of Corrections, should be financed by the Correctional Work Program Trust Fund. As there is a great deal of continuing interest in the Texas Department of Corrections' Industries Programs, it should be noted that Industry Administrators in Texas are paid from General Revenue while line operation managers are paid from the trust fund.

According to the definitions specified in §20.03, Florida Statutes, the Prison Industry Commission is in actuality a council. Council, according to §20.03(7) is an "advisory body appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and the recommending of solutions and policy alternatives"; whereas, a commission is, unless the State Constitution specifies to the contrary, "a body established within a department and exercising limited quasi-legislative or quasi-judicial powers or both independently of the head of the department." (§20.03(10)) As the Prison Industry Commission's powers are advisory only, and as it cannot act independently of the head of the department by virtue of the fact that the head of the department is a member of the Commission, the agency's title is in conflict with Chapter 20.

Finally, paragraph (e) of subsection (1) of §945.066 requires that the annual report be submitted to the Governor, the Legislature, and the Secretary of the Department of Corrections. However, the Secretary is a full voting member of the Commission and is then, by law, required to submit and receive the same report.

B. Rules

The statutes discussed above do not vest the Prison Industry Commission with the authority to promulgate rules and no such rules exist. Neither has the Department of Corrections promulgated any rules that relate directly to the Prison Industry Commission or to the Department's relationship with this advisory body. However, the Commission has adopted policies to guide their actions in the following areas: pricing of industries products, criteria for the establishment of new correctional industries programs, and objectives for the Prison Industry Commission. (See Appendix 5) Additionally, the Commission has developed procedures to follow in determining whether or not an industry poses the threat of undue competition to private enterprise. A more complete discussion of the Commission's procedures is included in the following section of this report.

C. The Prison Industry Commission - Department of Corrections

The Prison Industry Commission was established by the 1976 Legislature as one facet of a major revision to the operation of work programs within correctional institutions.

The Prison Industry Commission is an appointed, independent, advisory body which is to assist the Department of Corrections in the planning and operation of the Correctional Work Program. The Department of Corrections views the role of the Commission as one of balancing the competing interests of work activities versus rehabilitative programs and between prison industry and private enterprise.

1. Goals

Goals of the Prison Industry Commission, as expressed by the Department of Corrections, are as follows:

-Monitor results of individual correctional work programs to assist each to be self-sustaining; develop inmate attitudes favorable towards work.

-Develop methods to evaluate the Commission effectiveness in accomplishing objectives.

-Develop a five year work program expansion plan which is consistent with the projected expansion of the Department.

-Develop a program to seek the advice of private labor and management.

-Study a program to utilize the services of local manpower planning councils.

In addition to these goals, the objectives of the Prison Industry Commission, as stated in the Commission's first two annual reports, parallel the statutory duties of the Commission, and are as follows:

-The Prison Industry Commission shall meet at least four times annually, or more often as necessary in order to:

-Recommend the establishment and/or maintenance of industrial plants which can be operated primarily by inmates in a manner profitable to the State and beneficial in the training of inmates.

-Plan a correctional work program which provides suitable rehabilitative training and work experience for adult inmates and which will not result in undue competition with private enterprise.

-Recommend the establishment and maintenance of new correctional work programs that call for the production of goods and services that are practical and adaptable for prison industry and that are needed and used by public institutions and agencies in all governmental jurisdictions and political subdivisions.

-Determine which industries operate on a self-sustaining basis, and for those that do not, recommend policies aimed at achieving a financially self-sustaining basis.

-Conduct annual review of existing correctional work programs to determine if undue competition with private enterprise exists, and if it does exist, recommend the necessary adjustments to alleviate the undue competition.

-Work cooperatively with the Department of Corrections on matters pertaining to the establishment, operation, and maintenance of correctional work programs.

-Make an annual written report to the Governor, the Secretary of the Department of Corrections, and the Legislature, summarizing the status of the correctional work program and any other relevant information and recommendations for improving the establishment, operation, and maintenance of the program.

The "goals and objectives" are notably task oriented and, as such, do not provide a pervasive philosophical basis to guide the Commission in its fulfillment of the statutory responsibilities. However, the goals and objectives of the Prison Industry Commission do catalogue a specific agenda for action by which the effectiveness of the Commission may be gauged. Unfortunately, due to circumstances beyond the control of either the Commission or the Department of Corrections, few if any activities of the Prison Industry Commission, since its creation in 1976, can be viewed as meeting the above stated goals and objectives.

2. Organization and Relationship to Executive Agency

Although the statute creating the Prison Industry Commission took effect July 1, 1976, it was not until January, 1977, that Governor Askew completed the process of appointing Prison Industry Commissioners. Legislation establishing the Commission envisioned an active role on the part of this advisory body in the planning of the new Correctional Work Program. Funds were provided this same year to expand and improve industries programs in conjunction with the addition of several major institutions to the state correctional system. Because of the time constraints associated with total institutional planning, it was necessary for the Department of Corrections to identify new industry programs, without input from the yet to be appointed Prison Industry Commission. Thus, the six month delay in appointing the original members of the Commission eliminated the opportunity for this body to make a significant contribution to the character of future correctional work programs.

Problems in the appointment process have plagued the Commission since the initial six month delay. To date, no commissioner has been reappointed or replaced by the Governor, despite the fact that terms of four of the original six appointees have expired and one member has resigned. (See Appendix 6) Only the Secretary of the Department of Corrections and one commissioner, whose appointment expires December 15, 1980, are currently serving active terms on the Prison Industry Commission.

Section 945.065(2) establishes staggered terms for the original commissioners in order to avoid the possibility of complete turnover in membership each four years. As commissioners have not been reappointed or replaced, the intent of these staggered terms has been thwarted. Commissioners, uncertain about their status in the Governor's eyes have been reluctant to take time from their ongoing responsibilities to participate in Commission activities.

By and large, the organization of the Prison Industry Commission is specified by law: members are selected according to statutory criteria for designated terms. The Commission was vested with the authority to determine which officers of the Commission, in addition to the chairman were necessary; however, the statutes prescribe which members are eligible for the offices. The Prison Industry Commission held its organizational meeting, required by law, on February 11, 1977, at which time Mr. Thomas E. Bronson, President of Florida Mining and Materials Corporation was elected chairman. Although the minutes of this meeting do not reflect a specific decision to limit the officers of the Commission to a chairman alone, the absence of any action to the contrary suggests a consensus that no other officers were necessary. Due to the lack of appointments, no other organizational meetings have been held. The statutes prescribe one year terms for officers of the Prison Industry Commission. Officers may be re-elected. At the

January 11, 1978 meeting, Mr. Bronson was re-elected until June 30, 1978, to coincide with the fiscal year and annual reporting period. Since that time, no further elections have been held.

Although organizationally somewhat awkward, the relationship between the Prison Industry Commission and the Department of Corrections has, for the most part, been very good. Department of Corrections organizational charts indicate an advisory relationship between the Commission and the Office of the Secretary. However, the responsibility for administering the Correctional Work Program falls under the Assistant Secretary of Operations; two administrative levels below the Office of the Secretary. (See Appendix 7)

As the bulk of the changes to the correctional work program since 1976 were made prior to the Commission's organization, the organizational placement difficulties have not been problematic. However, it can also be said that the advisory relationship has not really been tested. The law establishing the Prison Industry Commission seems to imply a proactive advisory role; one in which plans would be developed and recommendations initiated by the Commission, to be implemented by the Department, despite the advisory nature of the Commission's powers. In actuality, the role of the Commission has been relatively passive. Rather than initiating suggestions, the Commission has functioned basically to approve plans made by the Department. It should be again

noted, however, that for the last two years the Prison Industry Commission has been in a difficult position due to the appointment problem and the uncertainty concerning the Commission's status has likely contributed to a less than aggressive posture in its actions.

The only evidence of disagreement between the Commission and the Department came as a result of the Department of Corrections' decision to close down the cigarette manufacturing program at Florida State Prison. As stated in the minutes of the July 12, 1978 meeting of the Prison Industry Commission:

Chairman Bronson expressed concern that a unilateral decision was made by the Department to discontinue manufacturing cigarettes without prior discussion with the Commission. It was his feeling that neither he nor the other commissioners, had time to devote to the Commission just to be "Window Dressing" for the Department and/or the Legislature. He further feels that because of the uniqueness of the Commission's position in an advisory capacity to the Department, yet responsible to the Governor and the Legislature, good communications between the Commission and the Department must be maintained in order to avoid embarrassment to either. It is incumbent upon both to exert every effort to keep each other fully informed and to act in unison if possible.

Finally, although the Department of Corrections is responsible for providing staff support to the Prison Industry Commission, no positions have been designated for this purpose. The staff assigned to assist the Commission must do so in addition to their ongoing responsibilities. The lack of specifically designated staff for the Commission could pose problems should the Commission ever assume a more aggressive

posture in carrying out its statutory responsibilities.

3. Procedures

The Prison Industry Commission, due to the advisory nature of its functions, does not operate according to strict procedures. Business meetings have always involved a review of current operating statements and explanations of the reasons behind the money-losing industries; however, this is a matter of convention rather than explicit policy. The Commission meetings frequently provide a forum for private industry representatives to air grievances concerning competition from prison work programs.

As the Department of Corrections makes the decision to implement or phase out a particular industry, the Commission has adopted certain policies to assist the Department in administering the Correctional Work Program. Formal policies have been adopted in the areas of pricing industrial products and criteria for the selection of new industries programs.

(See Appendix 5)

Procedures have been discussed for assessing the impact of a new industry on existing private enterprise, however, the Commission has found the concept of undue competition particularly difficult to define. When an undue competition complaint is received, the affected industry is asked to submit a confidential report detailing its market so that the Commission may decide, on a case by case basis, if undue competition may indeed exist.

In other actions, the Commission has approved an inmate incentive pay plan, recommended the development of an inventory control policy and suggested procedures for assessing the impact of existing industries on existing private enterprise. These latter have yet to be adopted by the Department of Corrections, Because the Prison Industry Commission is responsible for advisory functions, it has not developed formal procedures to guide its activities.

4. Revenues and Expenditures

Neither has the Commission been specifically allotted funds with which to carry out its advisory functions. As staff are provided by the Department of Corrections, the Commission has operated on an average of \$1,351.36 a year. All necessary funds for travel, per diem, and the Annual Report come from the Correctional Work Program Trust Fund as detailed below.

RECAP OF PRISON INDUSTRY COMMISSION EXPENDITURES

	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>
Travel and Per Diem	\$1,073.33	\$ 828.81	\$ 256.15	\$ 134.75
Annual Report	271.38	1,336.00	1,515.00	
TOTAL	\$1,334.71	\$2,164.81	\$1,771.15	\$ 134.75

While the existence of the Prison Industry Commission may have affected the Correctional Work Program Trust Fund, the surge of new industries corresponding with the establishment of the Commission would make an analysis of the trust fund meaningless. New industries almost always lose money during the first several months of operation as a result of start up costs and high initial overhead.

5. Accomplishments

In terms of accomplishing its goals, objectives, and statutory responsibilities, the Prison Industry Commission cannot be viewed as particularly successful. As mentioned previously, a chairman was elected at the organizational meeting of the Commission and re-elected one year later. (§945.065(3)) Since June 30, 1978, however, the Commission has technically been without a Chairman, although the incumbent has continued to function in this capacity.

The statutory requirement (§945.065(4)) to meet four times a year was met in 1977 and 1978. However, only one meeting of the Prison Industry Commission was held in each of 1979 and 1980. No additional meetings are planned in 1980. (See Appendix 8) The sharp drop off in Commission activities corresponds with the expiration of the original appointments and has undoubtedly contributed to the lack of success in meeting Commission goals and objectives.

Section 945.066(1)(a)-(e) specifies five major responsibilities of the Prison Industry Commission: planning a correctional work program; recommending the establishment and maintenance of industrial plants; reviewing the operation of the correctional work program annually for undue competition; determining which industries are self-sustaining; and providing an annual report.

The first of these requirements has not been met as the Department of Corrections had a plan for the expansion and improvement of the correctional work program through 1983 at the time the Prison Industry Commission was organized. Although the Commission approved this plan and subsequent modifications, the group did not participate in its actual development. The minutes of the Prison Industry Commission reflect the group's official approval of the optical laboratory, drapery manufacturing, concrete post manufacturing, aqua culture (catfish farming), and metal clamp, broom, fire flap and fire rake manufacturing. Despite the fact that these programs have been "officially" recommended, the Commission did not initiate these proposals. Rather, these programs were developed by the Department of Corrections and submitted to the Commission for approval.

Since the establishment of the Prison Industry Commission, representatives of Florida paint manufacturers, metal sign manufacturers, nurserymen, and concrete pipe manufacturers have appeared before the Commission to voice objections to proposed or existing industrial programs on the basis of undue competition. Each of these representatives were asked to file confidential, written reports explaining their contention of undue competition yet none has done so. As mentioned previously, the Commission has had difficulty quantifying the concept of undue competition. The fact that no industry has pushed the Commission into rendering a decision, has made

it easier to put off arriving at a standard definition. The Department of Corrections feels that the forum provided by the Prison Industry Commission in the area of undue competition is the most important function of this body. Despite its attempts to determine undue competition, the Commission has not met the statutory requirement to review the correctional work program annually to discover, on its own accord, instances of undue competition with private enterprise.

The one statutory requirement that can be said to have been met by the Prison Industry Commission has been a review of industries to determine whether or not these operations are self-sustaining. A regularly scheduled agenda item for each Prison Industry Commission meeting is a review of the latest operating statement and an explanation of those industries showing losses. Members of the Commission have made site visits to money-losing industries and have recommended measures to cut losses. On occasion, outside experts have been called in to assist in such efforts.

The Prison Industry Commission met the statutory requirement to provide an annual report by October 1 of each year in 1977 and 1978. The 1979 Annual Report was not available until March, 1980 and the 1980 report has not been prepared as of this writing.

Additional goals and objectives not specifically delineated in the statutes include developing methods to evaluate the Commission's effectiveness in accomplishing its

objectives, developing a five year work program expansion plan, developing a program to seek the advice of private labor and management, and studying a program to utilize the services of local manpower planning councils. Of these, only the subjects of evaluating the Commission's effectiveness and seeking the advice of the private sector have been touched on by the Prison Industry Commission. The minutes of the April 19, 1977 Prison Industry Commission meeting state that: "The Commission decided to consider as it moves along those particular items which could be used to measure its effectiveness and consistency with the intentions of the Legislature." No further discussion of the subject is reflected in the Commission meeting minutes nor has there been a routine assessment of Commission activities to this point.

Further, the goal of seeking the advice of private labor and management was briefly alluded to, not by the Prison Industry Commission or the Department of Corrections, but by the American Foundation, a private consulting firm that had been hired by the Department of Corrections to assist in developing a Master Plan for Industries. One of the areas which was to be addressed, according to the minutes of the February 14, 1979 Commission meeting, was an innovative program that would involve private enterprise in a prison industry program.

Although the Prison Industry Commission has been less than successful in meeting its official goals, objectives, and statutory responsibilities, it has made certain accomplishments in its four year existence. Meetings of the Commission were held at various correctional institutions around the state (See Appendix 8) so that members could familiarize themselves with institution and prison industry operations. The Commission's recommendation and strong support of both a separate classification and pay system for industries employees and an increase in the earned surplus statute from \$1.5 million to \$5 million is felt by the Department of Corrections to have been instrumental in acquiring these changes. However, the most important function of the Prison Industry Commission, according to the Department of Corrections, has been in providing a citizens board for review of the operation of industries programs and in providing the opportunity for private enterprise to raise the issue of undue competition.

D. Potential Impact of Abolition and Alternatives

In discussing the impact of the Prison Industry Commission on prison work programs and in estimating the effect of abolishing the Commission, it should be noted that work programs, industrial or otherwise, have been a function of Florida's penal system at least since 1877 when the state began the infamous convict leasing system. In 1913 land was acquired in Union and Bradford counties for the establishment of a State Prison Farm and in 1917 the State Road Department began

to use inmates in highway construction and maintenance programs. By 1939, manufacturing and agricultural operations were existent at both of Florida's penal institutions. Thus, a "correctional work program" predates the organization and central administration of the state's penal facilities in 1957. Prison industries, then, are so firmly entrenched in the state correctional system that the impact of the existence or abolition of a four year old advisory body could only be minimal in terms of the 100 year tradition of inmate work programs.

This is not to say that prison industry programs are immune from any outside influence. Certainly the state's 20,000 plus inmates in 78 locations is a far cry from the initial 60 convict leasees. And although inactivity led to its demise, a body similar to the Prison Industry Commission existed from 1957 until 1972. Thus, there is a precedent for an independent advisory body to assist in the administration of the correctional work program. Should the 1981 Legislature allow the Prison Industry Commission authorization to expire there would likely be three primary areas in which the impact of such a move would be felt.

The absence of a Prison Industry Commission would eliminate the sole forum for private enterprise to discuss actual or potential competition problems. As noted previously, the Commission has frequently considered grievances of private manufacturers. The fact that no specific action has been taken in any of these instances is due to a lack of response by the private industry representatives rather

than an unwillingness on the part of the Commission. Because of its status as an independent, non-governmental body, the Prison Industry Commission has credibility in the eyes of private entrepreneurs. The Department of Corrections strongly feels that the assistance provided by the Commission in this one area is its most important function. Without the Prison Industry Commission, private sector enterprises will have no clear route to follow in questioning the competition from prison industry programs.

The Prison Industry Commission also has served in a "watchdog" capacity in reviewing Department of Corrections' plans and operations. The makeup of the Commission is such that expertise in most areas of industry operations is available to assist in planning or to see potential problem areas. The existence of the Commission is a check on Departmental activities in the area of industries. The Commission can view the entire program with a critical eye; something a Departmental employee might find extremely difficult. As with any governmental activity, an ongoing review of correctional industry activities by a group without a vested interest in the program can resolve many of the problems associated with bureaucracies.

Finally, the Prison Industry Commission provides the Department of Corrections with a new outlook on a very traditional program. The Commission, as a statutory advisory body, can help to generate new ideas and view the program from a different perspective. More importantly, the Prison Industry Commission is the only means for public input into

the operation of a multi-million dollar state-run program. The advantage of "new blood" in an operation dating back 100 years cannot be understated.

Should the Prison Industry Commission be abolished, there are few alternatives toward which to look for a continuation of the functions of the Commission. As noted previously, the Commission's actions in determining what constitutes undue competition with private enterprise is considered the most important function of this body. As the statutes authorizing the Commission and prescribing its duties contains the sole mention of the undue competition issue, elimination of the Commission would not only remove this body's review posers, it could preclude legal action against the Department of Corrections should an industrial program become unduly competitive with private enterprise.

While it would be possible for the Regional Advisory Councils of the Department of Corrections to assume the responsibility of examining industry programs for undue competition, the fact that five such bodies exist would imply five interpretations of a policy, if indeed a policy on undue competition could be arrived at by these Councils. Further, the composition of the Regional Advisory Councils heavily reflects the criminal justice system and would not have the industrial, agricultural, and training expertise of the Prison Industry Commission. Finally, the Regional

Advisory Councils of the Department of Corrections are the subject of Sundown review by the 1981 Legislature. Thus, their continued existence is not a foregone conclusion and these groups could not be counted on to assume any of the responsibilities of the Prison Industry Commission at this point in time.

The Legislature could assume the responsibility of reviewing industry programs for undue competition. The advantage of such an approach would be an enforcement mechanism through the withholding of authorization for expenditures where undue competition is found to exist. The disadvantage of the Legislature assuming the responsibility is two-fold. As the administration of prison industries is an executive function, a separation of powers argument could be made, even if the Legislature's involvement in the program was limited to the undue competition issue. Secondly, the Legislature would have to find resources in terms of time, staff, and money, to assume this responsibility.

Thus, the alternatives to the Prison Industry Commission are few and for the most part, impractical. As the Department of Corrections and its predecessor agencies administered the prison industry program for intermittent periods of time without the assistance of an advisory body, it is suggested that the most feasible alternative to the Prison Industry Commission is the Department itself.

CONCLUSIONS AND RECOMMENDATION

IV. Conclusions and Recommendations

The purpose of this report has been to examine the need for and benefit derived from the Prison Industry Commission of the Department of Corrections, as well as to assess the contribution of this body to the public interest over its four year history. As the Prison Industry Commission has been virtually inactive during the past two years, one could justifiably conclude that this Commission is not necessary. However, the fact that little benefit or contribution to the public interest can be demonstrated is linked directly to factors outside the control of the Prison Industry Commission and the Department of Corrections.

Although commissioners were appointed in late 1976 and early 1977, the first meeting was not held until February, 1977. Less than two years elapsed before the terms of the commissioners began to expire, and the Prison Industry Commission devoted a significant portion of this time to understanding the multi-million dollar correctional work program it was responsible for guiding. With the exception of the Secretary of the Department, no commissioner had previous experience with the correctional system. Thus, the commissioners' backgrounds in manufacturing, agriculture, and training had to be tempered with a knowledge of the correctional system before competent advice could be provided. The Prison Industry Commission demonstrated its commitment to acquiring the requisite knowledge of this system through its ten meetings in the first 20 months of existence, four of which were held at correctional institutions with industrial operations.

By the end of 1978, two appointments had expired, including that of the chairman. Although these Commissioners continued to hold office under state law until replaced by the Governor, this fact was not well known and a great deal of confusion ensued. One year later, two more appointments had expired and one commissioner had resigned. The Prison Industry Commission was then stymied by a lack of commitment on the part of the Governor, and a reluctance on the part of the remaining Commissioners to devote a significant amount of time to what appeared to be a futile effort. Commissioners have been reluctant to take time from the personal business to devote to the Commission because they do not perceive strong support for Commission activities in the Governor's Office. While the Department of Corrections can understand this perception, it has supported the existence of the Prison Industry Commission since the body was created in 1976. MORE THAN ANY OTHER FACTOR, THE LACK OF COMMITMENT TO THE PRISON INDUSTRY COMMISSION BY TWO GOVERNORS HAS FORESTALLED STRONG INVOLVEMENT BY THE COMMISSION IN THE DESIGN AND OPERATION OF THE CORRECTIONAL WORK PROGRAM.

It has been stated that the Prison Industry Commission was created partially in response to the rapidly expanding inmate population and corresponding industrial expansion. Annual reports of the Prison Industry Commission show that the number of full-time industries positions for inmates has increased from 1,258 in 1976-77 to 1,641 in 1978-79. The prison population, on the other hand, has risen from 17,293 on July 30, 1976 to 20,078 on June 30, 1979. Although the

rate of increase in industrial positions has been nearly double that of the prison population (30% to 16%), full-time industrial positions only represent 8% of the inmate population. The need to expand the industrial program, then, remains and the justification for an advisory body to assist in such an expansion effort is as valid in 1980 as it was in 1976.

This review of the Prison Industry Commission's four year history has been unable to pinpoint more than a few benefits accomplished solely by this group. Although the Commission has heard complaints from the private sector on undue competition, no grievance has been officially resolved. The absence of any resolution of the complaints which have been heard stem from the lack of follow-up on the part of the private sector rather than an unwillingness on the part of the Commission to take action. Additionally, the potential benefit of the Commission's involvement in the initial planning of the 1976 industrial expansion was forestalled by a delay in the initial appointments. It should also be noted that the level of activity of the Prison Industry Commission has corresponded with the number of active appointments to the Commission. As the number of commissioners serving expired terms increased, the frequency of meetings decreased.

The fact that the Prison Industry Commission had only just become familiar with its executive agency when the members' appointments began to expire, significantly reduced its potential contribution to the public interest. Perhaps its only contribution in this area has been a lack of

expenditure of public funds. Only \$5,405.42 has been expended in four years, all of this coming from the Correctional Work Program Trust Fund, rather than General Revenue.

Despite the low level of Prison Industry Commission activities and its inability to accomplish its statutory responsibilities, the need and potential for a successful Prison Industry Commission remains. Thus, it is recommended that the Prison Industry Commission be reauthorized by the 1981 Legislature (See Appendix 9) ONLY if the following conditions can be met:

1. The Legislature MUST receive a strong commitment from the Governor to support the Prison Industry Commission through timely appointments.
2. The Legislature should be prepared to correct the technical errors and confusing portions of the existing statutes. (See Appendix 9)

In addition, the Legislature might want to consider amendments to the existing statutes which would strengthen the Commission and enable it to take a more proactive role in advising the Department of Corrections on matters of industrial policy. (See Appendix 9)

The recommendation to continue the Prison Industry Commission is based more on the potential for accomplishment by this body than on its actions to date. It should be noted that there are no alternate agencies which could feasibly assume the responsibilities of the Prison Industries Commission. The absence of this advisory body, however, would not have a significant effect on the day-to-day operations of the correctional work program, nor would the citizens of this

state suffer any grievous loss. The recommendation to reauthorize the Prison Industry Commission is valid only if the reauthorized Commission has the support of all branches of government and if it can assume a proactive role in advising the Department of Corrections on matters concerning the correctional work program.

APPENDIXES

cient and shall stress productive labor for all inmates physically able to engage in it.

History.—s. 7, ch. 76-273.

945.066 Operational guidelines for the correctional work programs.—

(1) The department shall establish guidelines for the operation of correctional work programs, which shall include the following procedures:

(a) The education, work experience, emotional and mental abilities, and physical capabilities of the inmate and the length of sentence imposed on the inmate are to be analyzed before assignment of the inmate into the various processes best suited for training.

(b) When feasible, the department shall attempt to obtain training credit for an inmate seeking apprenticeship status.

(c) The inmate may begin in a general work skills program and progress to a specific work skills training program, depending upon the ability, desire, and work record of the inmate.

(d) Modernization and upgrading of equipment and facilities should include greater automation and improved production techniques to expose inmates to the latest technological procedures to facilitate their adjustment to real work situations.

(2) Evaluations of correctional work programs shall be conducted according to the following guidelines:

(a) Systematic evaluations shall be implemented, in accordance with s. 20.315(15), to determine whether the correctional work programs are related to successful post-release adjustments.

(b) Operations and policies of work programs shall be reevaluated to determine if they are consistent with their primary objectives.

(3) The department shall seek the advice of private labor and management to:

(a) Assist its work programs in the development of statewide policies aimed at innovation and organizational change.

(b) Obtain technical and practical assistance, information, and guidance.

(c) Encourage the cooperation and involvement of the private sector.

History.—s. 3, ch. 76-273.

945.065 Prison Industry Commission; creation; membership; meetings; compensation.—

(1) There is created within the Department of Corrections the Prison Industry Commission composed of eight commissioners.

(a) Seven commissioners shall be appointed by the Governor and confirmed by the Senate. Two of such commissioners shall be representatives of Florida-based business enterprises; two shall be representatives of agricultural enterprises; two shall be knowledgeable in the field of vocational training.

(b) One commissioner shall be the Secretary of Corrections.

(2) All members of the Prison Industry Commission shall serve for 4-year terms, except that the Secretary of Corrections shall be a member of the Prison Industry Commission so long as he shall remain in that position. The terms of the initial members of the Prison Industry Commission shall be as

follows: two of the commissioners appointed by the Governor shall have terms of 2 years, two shall have terms of 3 years, and two shall have terms of 4 years. Commissioners may be reappointed. Vacancies shall be filled by appointment for the remainder of the term by the occupant of the office from which the appointment to the vacant seat was originally made.

(3) As soon as practicable after appointment, the members of the Prison Industry Commission shall hold an organizational meeting and elect a chairman and such other officers as the Prison Industry Commission deems necessary; however, the Secretary of Corrections shall not be elected to any office. Officers shall serve for 1 year and may be reelected.

(4) The Prison Industry Commission shall meet a minimum of four times each year and may also hold additional meetings at the call of the chairman, provided each member is given at least 3 days' notice of such meeting. A majority of the members shall constitute a quorum for the transaction of business. Action may be taken by a majority of the members present at a meeting where a quorum is present.

(5) Commissioners shall receive no compensation but shall receive travel expenses and per diem in accordance with s. 112.061.

History.—s. 4, ch. 76-273; s. 4, ch. 78-323; s. 83, ch. 79-3.

Note.—Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.

945.066 Commission powers and duties.—

(1) The Prison Industry Commission shall:

(a) Plan a correctional work program which provides suitable training and work experience to assist in the rehabilitation and training of persons confined to adult correctional institutions and which will not result in undue competition with private enterprise.

(b) Recommend the establishment and maintenance of industrial plants which can be operated primarily by inmates in a manner profitable to the state and beneficial in the training of inmates through the manufacture, processing, or producing of such items as are practical and adaptable for prison industry and are needed and used by state institutions and agencies; counties, municipalities, school districts, or other political subdivisions; any federal agency or institution; or any agency, institution, or political subdivision of another state.

(c) Review the operation of correctional work programs annually, to determine if undue competition with private enterprise exists, and recommend adjustments necessary to prevent undue competition.

(d) Determine which existing industries are operated on a self-sustaining basis and recommend policies which would assist in achieving a financially self-sustaining basis for all correctional work programs.

(e) Provide an annual report to the Governor, the secretary of the department, and the Legislature prior to October 1 of each year summarizing the status of the correctional work program. The report may also include any other relevant information and recommendations for changes in any other area of offender rehabilitation which would aid in the establishment or success of a correctional work program.

(2) The department is authorized to implement a

correctional work program, taking into consideration the recommendations of the Prison Industry Commission, including recommendations for providing for gain-time credits for those inmates who participate in the correctional work program. The department shall work with the Prison Industry Commission, shall be responsible for the administration of the correctional work program, and shall provide the Prison Industry Commission with staff assistance to carry out the provisions of this act.

History.—s. 5, ch. 76-273.

945.081 Classification regulations.—The Department of Corrections shall adopt regulations for the classification of all offenders according to age, sex, and such other factors as it may deem advisable and shall provide for the separation of prisoners by sex.

History.—s. 1, ch. 65-171; ss. 19, 35, ch. 69-106; s. 72, ch. 77-120; s. 84, ch. 79-3.

945.09 Commitment of prisoners; classification; reception and classification program; transfer.—

(1) All prisoners sentenced to the state penitentiary shall be committed by the court to the custody of the Department of Corrections.

(2) All prisoners committed to its custody shall be conveyed to such institution, facility, or program in the correctional system as the department shall direct, in accordance with its classification scheme. The department shall establish a program of graduated punishment with the following classification of inmates:

(a) Class I.—Incorrigible inmates for whom a total lockup will be required; facilities shall include, but not be limited to, a portion of the Florida State Prison;

(b) Class II.—An intermediate class between Class I and Class III for those inmates who have had difficulty in the system but who have not yet proven themselves to be incorrigible;

(c) Class III.—Inmates for whom there exists hope of rehabilitation.

(3) Each prisoner shall be processed through a reception and evaluation program in the area where the prisoner was committed or where he was incarcerated.

(4) Pursuant to such regulations as it may provide, the department is authorized to transfer prisoners from one institution to another institution in the correctional system and to classify and reclassify prisoners as circumstances may require.

History.—s. 9, ch. 57-213; s. 18, ch. 61-530; s. 1, ch. 67-38; ss. 19, 35, ch. 69-106; s. 27, ch. 74-112; s. 73, ch. 77-120; s. 1, ch. 77-174; s. 85, ch. 79-3. cf.—ss. 921.18, 921.21, 921.22 Handling of persons receiving indeterminate sentences for noncapital felonies.

s. 944.16 Prisoners; how received.

945.091 Extend the limits of confinement; restitution by employed inmates.—

(1) The department is authorized to adopt regulations permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, and following investigation and approval by the secretary, who shall maintain a written record of such action, to leave the confines of that place unaccom-

panied by a custodial agent for a prescribed period of time to:

(a) Visit, for a specified period, a specifically designated place or places for the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released, to otherwise aid in the rehabilitation of the inmate, or for another compelling reason consistent with the public interest, and return to the same or another institution or facility designated by the Department of Corrections; or

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency in the community, while continuing as an inmate of the institution or facility in which he shall be confined, except during the hours of his employment, education, training, or service and traveling thereto and therefrom. Inmates shall participate in paid employment only during the last 18 months of their confinement, unless sooner requested by the Parole and Probation Commission.

(2) The department may adopt regulations as to the eligibility of inmates for this extension of confinement, the disbursement of any earnings of these inmates, or the entering into of agreements between itself and any city or county or federal agency for the housing of these inmates in a local place of confinement.

(3) The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed to the place of confinement designated by the department shall be deemed as an escape from the custody of the department and shall be punishable as prescribed by law.

(4) The provisions of this section shall not be deemed to authorize any inmate who has been convicted of any murder, manslaughter, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes, to attend any classes at any state community college or any university which is a part of the State University System.

(5)(a) The department may require inmates working at paid employment as provided in paragraph (1)(b) to provide restitution to the aggrieved party for the damage or loss caused by the offense of the inmate, in an amount to be determined by the department.

(b) An offender who is required to provide restitution or reparation may petition the circuit court to amend the amount of restitution or reparation required or to revise the schedule of repayment established by the department or the Parole and Probation Commission.

History.—s. 1, ch. 67-59; s. 1, ch. 69-6; ss. 19, 35, ch. 69-106; s. 1, ch. 71-112; s. 9, ch. 76-273; s. 74, ch. 77-120; s. 4, ch. 77-150; s. 86, ch. 79-3.

945.10 Investigations; information confidential.—

(1) Except as provided below, information in a presentence investigation report made by the Department of Corrections shall be confidential and shall be available only to officers and employees of the court, the Legislature, the Parole and Probation

APPENDIX 2

CS for SB 129 + 245

-Regular 1976-

By the Committee on Health and Rehabilitative Services and Senators Gallen, Ware, Graham, Glisson, Plante, Deeb, Henderson, J. Thomas, Sims, McClain and Dunn

A bill to be entitled

An act relating to correctional work programs; amending s. 945.06, Florida Statutes; changing the term "prison industries" to "correctional work programs" and requiring the department to adopt an agricultural and industrial production and marketing program; creating s. 945.061, Florida Statutes; establishing the objectives of correctional work programs; creating the Prison Industry Commission within the department and providing for selection of members, organization, and meetings; providing for the Prison Industry Commission to coordinate the development of correctional work programs in the department; creating s. 945.062, Florida Statutes; to establish a financing policy for correctional work programs to emphasize the involvement of private enterprise; creating s. 945.063, Florida Statutes; requiring the department to establish operational guidelines and evaluation processes for correctional work programs and to seek the aid of private labor and management; amending s. 945.16, Florida Statutes; providing that correctional work program products may be sold to political subdivisions, other states, and federal agencies within the state; amending s. 945.17, Florida Statutes; renaming the "Industrial Trust Fund" the "Correctional Work

This legislative document was prepared and printed at the Department of Corrections, 1111 North Florida Avenue, Tallahassee, Florida 32301. It is printed for the purpose of information for the members of the Legislature and the public of actions of the Senate.

1 Program Trust Fund"; amending s. 945.18,
 2 Florida Statutes; providing for the disposition
 3 of the moneys in the fund; amending s. 945.19,
 4 Florida Statutes; providing for the
 5 establishment of budgeting and accounting
 6 procedures for the correctional work programs
 7 and the use of moneys in the fund for lease
 8 purchase agreements; providing for the
 9 department to grant additional gain-time
 10 allowances to inmates for the faithful
 11 performance of work; amending s. 944.49(2),
 12 Florida Statutes; providing that any monetary
 13 payments made to prisoners for work performed
 14 be made to the prisoner's family or to satisfy
 15 court-ordered restitution; amending s.
 16 945.21(1)(h), Florida Statutes; prohibiting
 17 monetary payments to inmates not performing
 18 work in a satisfactory manner; providing that
 19 the department maximize the use of inmate labor
 20 in construction projects; repealing s.
 21 944.27(1), Florida Statutes, the schedule of
 22 gain-time allowances for good conduct;
 23 repealing s. 944.29, Florida Statutes, relating
 24 to extra good-time allowances; providing
 25 effective dates.

26 to be revised by the legislature of the State of Florida:
 27 Section 9, Section 945.06, Florida Statutes, is
 28 amended to read:
 29 945.06 Correctional Work Programs Prison-industries.--

2 (REVISION) Words in bold through type are deletions from existing law; words underlined are additions.

1 (1) The department shall adopt and put into effect an
 2 agricultural and industrial production and marketing program
 3 to provide training facilities for persons confined in the
 4 adult correctional institutions under the control and
 5 supervision of the department. The emphasis of this program
 6 shall be to provide inmates with useful work experience on a
 7 full-time basis and appropriate job skills that will
 8 facilitate their reentry into society and to provide an
 9 economic benefit to the public and the department through
 10 effective utilization of inmates.

11 (2) The department is authorized to cause to be
 12 manufactured, processed, or produced by the inmates of the
 13 adult correctional institutions under the control and
 14 supervision of the department such items as are practical and
 15 adaptable for prison industry and are needed and used in state
 16 institutions and agencies and in other governmental
 17 jurisdictions of the state. The department shall give
 18 priority to the implementation of those activities and
 19 services that will directly assist in reducing the reliance of
 20 the department upon external sources of supply in the areas of
 21 agriculture, animal husbandry, and the allied craft trades
 22 that are capable of producing a benefit of skill-oriented
 23 training to other governmental jurisdictions and will
 24 facilitate self-sufficiency for the inmate, the department,
 25 and other units of government.

26 Section 2. Section 945.061, Florida Statutes, is
 27 created to read:
 28 945.061 Correctional work program objectives.--In
 29 adopting or modifying master plans for correctional work
 30 programs and in the administration of the Department of
 31

3 (REVISION) Words in bold through type are deletions from existing law; words underlined are additions.

APPENDIX 2-2
 46

1 Offender Rehabilitation, it shall be the objective of the
 2 department to develop:

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

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

8 (3) Programs that motivate inmates to use their
 9 abilities. Inmates who do not adjust to this program shall be
 10 reassigned.

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

20 Section 3. (1) There is created within the Department
 21 of Offender Rehabilitation the Prison Industry Commission
 22 composed of eight commissioners.

23 (a) Seven commissioners shall be appointed by the
 24 Governor and confirmed by the Senate. Two of such
 25 commissioners shall be representatives of Florida-based
 26 business enterprises; two shall be representatives of
 27 agricultural enterprises; two shall be representatives of
 28 organized labor; and one shall be knowledgeable in the field
 29 of vocational training.

30 (b) One commissioner shall be the Secretary of the
 31 Department of Offender Rehabilitation.

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

1 (2) All members of the Prison Industry Commission
 2 shall serve for 4-year terms, except that the Secretary of the
 3 Department of Offender Rehabilitation shall be a member of the
 4 Prison Industry Commission so long as he shall remain in that
 5 position. The terms of the initial members of the Prison
 6 Industry Commission shall be as follows: two of the
 7 commissioners appointed by the Governor shall have terms of 2
 8 years, two shall have terms of 3 years, and two shall have
 9 terms of 4 years. Commissioners may be reappointed.
 10 Vacancies shall be filled by appointment for the remainder of
 11 the term by the occupant of the office from which the
 12 appointment to the vacant seat was originally made.

13 (3) As soon as practicable after appointment, the
 14 members of the Prison Industry Commission shall hold an
 15 organizational meeting and shall elect a chairman and other
 16 such officers as the Prison Industry Commission deems
 17 necessary; provided, the Secretary of the Department of
 18 Offender Rehabilitation shall not be elected to any office.
 19 Officers shall serve for 1 year and may be reelected.

20 (4) The Prison Industry Commission shall meet a
 21 minimum of four times each year and may also hold additional
 22 meetings at the call of the chairman provided that each member
 23 is given at least 3 days notice of such meeting. A majority
 24 of the members shall constitute a quorum for the transaction
 25 of business. Action may be taken by a majority of the members
 26 present at a meeting where a quorum is present.

27 (5) Commissioners shall receive no compensation but
 28 shall receive travel expenses and per diem in accordance with
 29 s. 112.061, Florida Statutes.

30 Section 4. The Prison Industry Commission shall:

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APPENDIX 2-3

47

1 (1) Plan a correctional work program which provides
2 suitable training and work experience to assist in the
3 rehabilitation and training of persons confined to adult
4 correctional institutions and which will not result in undue
5 competition with private enterprise.

6 (2) Recommend the establishment and maintenance of
7 industrial plants which can be operated primarily by inmates
8 in a manner profitable to the state and beneficial in the
9 training of inmates by the manufacture, processing or
10 producing of such items as are practical and adaptable for
11 prison industry and are needed and used by state institutions
12 and agencies, counties, municipalities, school districts or
13 other political subdivisions, any federal agency or
14 institution or any agency, institution or political
15 subdivision of another state.

16 (3) Review the operation of correctional work
17 programs, annually determine if undue competition with private
18 enterprise exists, and recommend adjustments necessary to
19 prevent undue competition.

20 (4) Determine which existing industries are operated
21 on a self-sustaining basis and recommend policies which would
22 assist in achieving a financially self-sustaining basis for
23 all prison industries.

24 (5) Provide annually a report to the Governor, the
25 Secretary of the Department and the Legislature prior to
26 October 1 of each year summarizing the status of the
27 correctional work program. The report may also include any
28 other relevant information and may include recommendations for
29 changes in any other area of offender rehabilitation which
30 would aid in the establishment or success of a correctional
31 work program.

6
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1 Section 5. The department is authorized to implement a
2 correctional work program taking into consideration the
3 recommendations of the Prison Industry Commission, including
4 recommendations for providing for gain-time credits for those
5 inmates who participate in the correctional work program. The
6 department shall provide for a deputy assistant secretary of
7 operations who shall be responsible for the establishment and
8 operation of the correctional work program. The deputy
9 assistant secretary shall be appointed by the secretary and
10 shall work with the Prison Industry Commission and shall have
11 such other duties as may be assigned by the Secretary. The
12 department shall be responsible for the administration of the
13 correctional work program and shall provide the Prison
14 Industry Commission with staff assistance to carry out the
15 provisions of this act.

16 Section 6. Section 945.062, Florida Statutes, is
17 created to read:

18 945.062 Financing of correctional work programs.--

19 (1) The department shall explore new financing
20 arrangements, including the involvement of private industry
21 and expertise within or outside the institutions, to the
22 maximum extent allowed by law. Nothing in this section shall
23 be construed or interpreted as authorizing or permitting the
24 department to incur a state debt of any kind or nature as
25 contemplated by the State Constitution in relation to such
26 financing arrangements.

27 (2) The correctional work program shall be efficient
28 and shall stress productive labor for all inmates physically
29 able to engage in it.

30 Section 7. Section 945.063, Florida Statutes, is
31 created to read:

7
CODING: Words in struck through type are deletions from existing law; words underlined are additions.

1 945.063 Operational guidelines for the correctional
2 work programs.--

3 (1) The department shall establish guidelines for the
4 operation of correctional work programs which shall include .
5 the following procedures:

6 (a) The education, work experience, emotional and
7 mental abilities, and physical capabilities of the inmate and
8 the length of sentence imposed on the inmate are to be
9 analyzed before assignment of the inmate into the various
10 processes best suited for training.

11 (b) When feasible, the department shall attempt to
12 obtain training credit for an inmate seeking apprenticeship
13 status.

14 (c) The inmate may begin in a general work skills
15 program and progress to a specific work skills training
16 program, depending upon the ability, desire, and work record
17 of the inmate.

18 (d) Modernization and upgrading of equipment and
19 facilities should include greater automation and improved
20 production techniques to expose inmates to the latest
21 technological procedures to facilitate their adjustment to
22 real work situations.

23 (2) Evaluations of correctional work programs shall be
24 conducted according to the following guidelines:

25 (a) Systematic evaluations shall be implemented, in
26 accordance with s. 20.315(15), to determine whether the
27 correctional work programs are related to successful post-
28 release adjustments.

29 (b) Operations and policies of work programs shall be
30 reevaluated to determine if they are consistent with their
31 primary objectives.

8

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

1 (3) The department shall seek the advice of private
2 labor and management to:

3 (a) Assist its work programs in the development of
4 statewide policies aimed at innovation and organizational
5 change.

6 (b) Obtain technical and practical assistance,
7 information, and guidance.

8 (c) Encourage the cooperation and involvement of the
9 private sector.

10 Section 8. Section 945.16, Florida Statutes, is
11 amended to read:

12 945.16 Use of goods and services produced in
13 correctional work programs prison-made-products.--

14 (1) (a) All services or items manufactured, processed,
15 grown, or produced by the department in its present programs
16 or in future programs and not required for use therein may be
17 furnished or sold to all state agencies, departments, and
18 institutions, political subdivisions of the state, other
19 states, and agencies of the federal government within the
20 state.

21 ~~(b) The following items or services, whenever~~
22 ~~available, may be sold to counties, school districts, sheriffs~~
23 ~~or county public safety officers, municipalities, or other~~
24 ~~political subdivisions:--furniture, metal products, canned~~
25 ~~goods, clothing, farm products, bricks and masonry products,~~
26 ~~repair and maintenance services, tobacco, and janitorial~~
27 ~~supplies. No other items are to be sold to such counties,~~
28 ~~cities, school districts, or like political subdivisions~~
29 ~~without specific authority from the legislature.~~

30 (2) No similar article of comparable price and quality
31 found necessary for use by any state agency or division under

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1 ~~the control or supervision of the Department of Health and~~
 2 ~~Rehabilitative Services or any member thereof~~ may be purchased
 3 from any other source when the Department of Offender
 4 Rehabilitation shall certify that the same is available and
 5 can be furnished by the department. The purchasing authority
 6 of any such state institution or agency shall have the power
 7 to make reasonable determinations of need, price, and quality
 8 with reference to articles available for sale by such
 9 correctional work programs prison industries operated by the
 10 department. In the event of a dispute between the division and
 11 any purchasing authority, based upon price or quality, the
 12 matter shall be referred to the Department of Administration,
 13 whose decision shall be final.

14 Section 9. Section 945.17, Florida Statutes, is
 15 amended to read:

16 945.17 Creation of Correctional Work Program
 17 Industrial Trust Fund.--There is hereby created a Department
 18 of Offender Rehabilitation Correctional Work Program
 19 Industrial Trust Fund, available for the purpose of financing
 20 the operation of correctional work programs industries
 21 authorized and required by s. 945.06 established by the
 22 department and approved by the Advisory Council on Corrections
 23 and Prison Industries, as provided by law. This account shall
 24 be a separate fund in the State Treasury and shall be the
 25 depository of all funds used for this purpose by all
 26 institutions under the supervision and control of the
 27 department.

28 Section 10. Section 945.18, Florida Statutes, is
 29 amended to read:

30 945.18 Sources of fund.--The Department of Offender
 31 Rehabilitation Industrial Trust Fund shall consist of the

1 original general revenue appropriation which was made in the
 2 1957 Session of the Legislature; together with all assets and
 3 liabilities as of June 30, 1957, as determined by the State
 4 Auditor of all industrial operations in existence at all
 5 correctional institutions as of that date; provided, however,
 6 that the assets and liabilities as of June 30, 1957, shall not
 7 include cash and accounts receivable which are in excess of
 8 the current encumbered obligations as of June 30, 1957, it
 9 being the intent of the Legislature that after current
 10 obligations are liquidated the balance remaining in cash and
 11 receivables shall be deposited in the General Revenue Fund
 12 unallocated. Should any general service operation of an
 13 institution be transferred to the correctional work program
 14 prison industries operation by the department, all assets and
 15 liabilities of such operation shall become a part of the
 16 Correctional Work Program Trust this fund. All income,
 17 receipts, earnings, and profits from such industrial
 18 enterprises shall hereafter be credited to the Correctional
 19 Work Program Trust this revolving fund to be used for the
 20 purposes herein set forth; provided, however, that if the
 21 earned surplus in the fund at the end of any fiscal year
 22 exceeds \$1,500,000, one-half of such as determined by the
 23 Auditor General to be in excess of this amount shall be
 24 deposited in the General Revenue Fund, and the other one-half
 25 shall be utilized by the department for the expansion and
 26 improvement of the correctional work program the earned
 27 surplus in the fund at the end of any biennium shall not
 28 exceed \$1,500,000 and such surplus as determined by the
 29 Auditor General to be in excess of this amount shall be
 30 deposited in the General Revenue Fund unallocated.

1 Section 11. Section 945.19, Florida Statutes, is
 2 amended to read:
 3 945.19 Use of fund.--The funds shall be used for the
 4 purposes of financing the operation of the ~~correctional work~~
 5 ~~programs~~ industries herein set forth, and all costs of
 6 operation of ~~correctional work programs~~ prison-industries
 7 shall be paid from this fund, including all personnel whose
 8 time or proportion of time is devoted to such ~~work program~~
 9 industrial operations. ~~The department shall establish~~
 10 ~~budgeting and cost accounting procedures to provide~~
 11 ~~comparative analysis of each work program unit. The~~
 12 ~~department shall prepare and issue annual consolidated and~~
 13 ~~individual institution financial statements, including, but~~
 14 ~~not limited to, balance sheets and operating statements for~~
 15 ~~the correctional work programs. Any withdrawals from the~~
 16 ~~Correctional Work Program Trust Fund which do not relate to~~
 17 ~~the operation of the correctional work program shall be~~
 18 ~~identified separately in the operating statements. The~~
 19 ~~Department of Offender Rehabilitation shall have the authority~~
 20 ~~to use moneys in the Correctional Work Program Trust Fund to~~
 21 ~~enter into lease purchase agreements for the lease of fixtures~~
 22 ~~and equipment over periods of time exceeding the current~~
 23 ~~fiscal year, provided that such agreements are subject to~~
 24 ~~annual legislative appropriations. The department shall have~~
 25 the authority to construct buildings or make capital
 26 improvements for the operation of said ~~work programs~~
 27 industries; provided that such construction shall not exceed
 28 \$46,000 for any single project.
 29 Section 12. Prior to January 1, 1979, the department
 30 is authorized to grant additional gain-time allowances up to 1
 31 day off the sentence for each day of productive or

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1 institutional labor performed and after January 1, 1979, up to
 2 one day off the sentence for each day of productive or
 3 institutional labor performed by any prisoner who has
 4 committed no infraction of the rules of the department or of
 5 the laws of this state and who has accomplished in a faithful,
 6 diligent, industrious, orderly, and peaceful manner the work,
 7 duties, and tasks assigned as part of an organized program of
 8 agricultural or mechanical labor in a correctional work
 9 program; provided, however, that no inmate shall receive
 10 additional gain-time allowances under this section solely by
 11 virtue of participation in any program of educational or
 12 classroom instruction unrelated to a correctional work
 13 program. Educational opportunities and classroom instruction
 14 unrelated to a correctional work program shall be available in
 15 addition to, but not in lieu of, the correctional work program
 16 developed by the department. Any prisoner who, without
 17 approval, refuses or neglects to perform the work, duties, and
 18 tasks assigned to him in the correctional work program in a
 19 faithful, diligent, industrious, orderly, and peaceful manner
 20 shall forfeit gain-time as provided in s. 944.28, Florida
 21 Statutes.
 22 Section 13. Subsection (2) of section 944.49, Florida
 23 Statutes, is amended to read:
 24 944.49 Requirement of labor; compensation; amount;
 25 crediting of amount of prisoner; forfeiture; civil rights;
 26 prisoner not employee or entitled to compensation insurance
 27 benefits.--
 28 (2) Each prisoner who is engaged in productive work in
 29 any state correctional institution, ~~program, or facility~~ under
 30 the jurisdiction of the department may receive for his work
 31 performed such compensation as the department shall determine.

APPENDIX 2-7

Such compensation shall be in accordance with a schedule based on quality and quantity of work performed and skill required for performance and said compensation shall be credited to the account of the prisoner or the prisoner's family. Any monetary payments made directly to the prisoner shall be used in whole or in part to satisfy restitution ordered by a court of competent jurisdiction to the victim of the criminal act.

Section 14. Paragraph (h) of subsection (1) of section 945.21, Florida Statutes, is amended to read:

945.21. Regulations of the department.--

(1) The department is authorized to adopt and promulgate regulations governing the administration of the correctional system and the operation of the department. In addition to specific subjects otherwise provided for herein, regulations of the department may relate to:

(h) Payments to prisoners for work performed. Such payments, if any, shall to be made from the profits of the Correctional Work Program Industrial Trust Fund. Such regulations shall to include restrictions on the use of earnings, including payments for support of dependents and release reserves. The regulations shall provide that no payment shall be made to any prisoner who fails to satisfactorily perform the work assigned.

Section 15. The Department of Offender Rehabilitation shall maximize the use of inmate labor in the construction of inmate housing and the conduct of all maintenance projects so that such activities provide for the optimum number of inmates in the most cost effective manner.

Section 16. Subsection (1) of section 944.27, and section 944.29, Florida Statutes, are hereby repealed.

Section 17. This act shall take effect July 1, 1976 except that section 16 shall take effect January 1, 1979.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR SENATE BILL 129 and 245

Amendments adopted in committee make the following changes:

1. Sections 1 and 2 contain new language stating the objectives of correctional work programs in the Department of Offender Rehabilitation.
2. Sections 3, 4, and 5 contain revised language from Senate Bill 245 which creates a Prison Industry Commission in the Department to plan and coordinate the development of work programs for inmates. The membership of the Commission has been adjusted from nine to eight members and the two legislative appointed members have been deleted and replaced by two members from organized labor.
3. Sections 6, 7, 8, 9, and 10 contain new language which defines the role of correctional work programs in the Department, authorizes the distribution of prison-made products to all governmental jurisdictions in the state, provides a nomenclature change to the Industrial Trust Fund, and allows for the distribution of a portion of the earned surplus in the trust fund to the Department for upgrading the correctional work programs.
4. Section 11 is new language to authorize the Department to establish budgeting and cost accounting procedures for its work programs. The section also eliminates the \$10,000 cap on fixed capital outlay projects for the correctional work programs.
5. Section 12 is new language which authorizes the granting of additional gain time allowances of up to one day off the sentence for each day of productive labor performed by an inmate. Included in this section is language from SB 129 which prohibits the earning of gain time credit solely through participation in classroom instruction unrelated to a correctional work program.
6. Section 13 contains new language which amends Section 944.49 to provide that any monetary payments made to inmates for work performed shall be credited to the prisoner's family or for court ordered restitution.
7. Section 14 contains language from Senate Bill 129 to prohibit payments to inmates that fail to satisfactorily perform the work assigned.
8. Section 15 contains revised language from Senate Bill 129 which requires the Department to maximize the use of inmate labor in its construction projects and that inmate housing accommodate the optimum number of inmates in the most cost effective manner.
9. Section 16 provides, effective January 1, 1979, for a repeal of statutes relating to statutory and extra gain time as contained in ss. 944.27(1) and 944.29. After this time the only gain time which can be earned is that derivative of participation in a correctional work program.

APPENDIX 2-8

APPENDIX 2

State of Florida

HB 3958
(Regular Session 1976)

By Representatives Fortune and Fechtler

A bill to be entitled

An act relating to correctional work programs; amending s. 944.27, Florida Statutes; providing additional gain-time for inmate participation in correctional work programs; amending s. 944.49(2), Florida Statutes; providing for application of compensation for inmate labor; amending s. 945.06, Florida Statutes; changing the term "prison industries" to "correctional work programs" and requiring the department to adopt an agricultural and industrial production and marketing program; creating s. 945.061, Florida Statutes; establishing the objectives of the correctional work programs; creating s. 945.062, Florida Statutes; establishing a financing policy for correctional work programs; creating s. 945.063, Florida Statutes; requiring the department to establish operational guidelines and evaluation processes for the correctional work programs and to seek the aid of private labor and management; amending s. 945.16, Florida Statutes; providing that correctional work program products may be sold to political subdivisions, other states, and federal agencies within the state; amending s. 945.17, Florida Statutes; renaming the "Industrial Trust Fund" the "Correctional Work Program Trust Fund"; amending s. 945.18, Florida Statutes; providing for the disposition

This public document was promulgated by the House of Representatives at a base cost of \$4.56 per page for 600 copies and \$1.15 per page for distribution for the information of members of the Legislature and the public.

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1 of the moneys in the fund; amending s. 945.19,
 2 Florida Statutes; providing for the
 3 establishment of budgeting and accounting
 4 procedures for the correctional work programs
 5 and the use of moneys in the fund for lease
 6 purchase agreements; providing an effective
 7 date.
 8
 9 do it enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 944.27, Florida Statutes, is
 12 amended to read:
 13 944.27 Gain-time for good conduct; schedule of
 14 allowances; cumulative sentences to be treated as one sentence
 15 for purposes of allowing and forfeiting.--
 16 (1) The Department of Offender Rehabilitation shall
 17 grant the following deductions for gain-time from the
 18 sentences of every prisoner who has committed no infraction of
 19 the rules or regulations of the department, or of the laws of
 20 the state, and who has performed in a faithful, diligent,
 21 industrious, orderly, and peaceful manner the work duties
 22 assigned to him to wit:
 23 (a) Five days per month off the first and second years
 24 of 102 773 sentence;
 25 (b) Ten days per month off the third and fourth years
 26 of 102 773 sentence; and
 27 (c) Fifteen days per month off the fifth and all
 28 succeeding years of 102 773 sentence; and the prisoner he
 29 shall be entitled to credit for a month as soon as the
 30 sentence he has served such time as, when added to the
 31 deduction allowable, would equal a month.

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1 121. The department shall grant additional gain-time 2.4/1
 2 allowances equal to 1 day off the sentence for each day of 2.4/1
 3 productive labor performed by any prisoner who has committed 2.4/1
 4 no infraction of the rules of the department or of the laws of 2.4/2
 5 this state and who has accomplished in a faithful, diligent, 2.4/2
 6 industrious, orderly, and peaceful manner the work duties 2.4/2
 7 and tasks assigned as part of an organized program of 2.4/2
 8 agricultural or mechanical labor in a correctional work 2.4/2
 9 program, provided, however, that no inmate shall receive 2.4/2
 10 additional gain-time allowances under this section solely by 2.4/2
 11 virtue of participation in any program of educational or 2.4/2
 12 classroom instruction unrelated to a correctional work 2.4/2
 13 program.
 14 (1)(f) When a prisoner is under two or more cumulative 2.4/2
 15 sentences, the prisoner he shall be allowed gain-time as if 2.4/3
 16 the sentences they were all one sentence, and his gain-time, 2.4/3
 17 including any extra gain-time allowed the prisoner him under 2.4/3
 18 s. 944.29, shall be subject to forfeiture as though such 2.4/3
 19 sentences were all one sentence. 2.4/3
 20 Section 2. Subsection (2) of Section 944.49, Florida 2.4/3
 21 Statutes, is amended to read:
 22 944.49 Requirement of labor; compensation; amount; 3.2
 23 crediting of amount of prisoner; forfeiture; civil rights; 3.3
 24 prisoner not employe or entitled to compensation insurance 3.4
 25 benefits.--
 26 (2) Each prisoner who is engaged in productive work in 3.4/1
 27 any state correctional institution, program, or facility under 3.4/2
 28 the jurisdiction of the department may receive for his work 3.4/1
 29 provided such compensation as the department shall determine. 1:lus
 30 Such compensation shall be in accordance with a schedule based 3.4/5
 31 on quality and quantity of work performed and skill required 3.4/1

APPENDIX 2-10

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1 for performance and said compensation shall be credited to the 3-4/7
 2 account of the prisoner or the prisoner's family. Any 3-4/8
 3 monetary payments made directly to the prisoners shall be used 3-4/9
 4 in whole or in part to satisfy restitution ordered by a court 3-4/11
 5 of competent jurisdiction to the victim of the criminal acts 3-4/12
 6 Section 3. Section 945.06, Florida Statutes, is
 7 amended to read:
 8 945.06 Correctional work programs Prison-industries.-- 4-2
 9 (1) The department shall adopt and put into effect an 4-2/1
 10 agricultural and industrial production and marketing program 1:1us
 11 to provide training facilities for persons confined in the 4-2/3
 12 adult correctional institutions under the control and 4-2/4
 13 supervision of the department. The emphasis of this program 4-2/5
 14 shall be to provide inmates with useful work experience and 4-2/6
 15 appropriate job skills that will facilitate their reentry into 4-2/7
 16 society and to provide an economic benefit to the public and 4-2/8
 17 the department through effective utilization of inmates. 4-2/9
 18 (2) The department is authorized to cause to be 4-2/11
 19 manufactured, processed, or produced by the inmates of the 4-2/12
 20 adult correctional institutions under the control and 4-2/13
 21 supervision of the department such items as are practical and 4-2/14
 22 desirable for prison industry and are needed and used in state 4-2/15
 23 institutions and agencies and in other governmental 1:1us
 24 jurisdictions of the state. The department shall give 4-2/17
 25 priority to the implementation of those activities and 4-2/17
 26 services that will directly assist in reducing the reliance of 4-2/19
 27 the department upon external sources of supply in the areas of 4-2/19
 28 agriculture, animal husbandry, and the allied craft trades. 4-2/20
 29 But it is desirable of producing a benefit of skill-oriented 4-2/21
 30 training to other governmental jurisdictions and will 4-2/22
 31

1 facilitate self-sufficiency for the inmates, the departments, 4-2/23
 2 and other units of government. 4-2/25
 3 Section 4. Section 945.061, Florida Statutes, is
 4 created to read:
 5 945.061 Correctional work program objectives.--In 4-3
 6 adopting or modifying master plans for correctional work 4-4
 7 programs and in the administration of the Department of 4-5
 8 Offender Rehabilitation, it shall be the objective of the 4-6
 9 department to develop: 4-6
 10 (1) Attitudes favorable to work, the work situation, 4-6
 11 and to a law-abiding life in each inmate employed in the 4-7
 12 correctional work program.
 13 (2) Training opportunities that are reasonably broad, 4-8
 14 but which develop specific work skills.
 15 (3) Programs that motivate inmates to use their 4-9
 16 abilities. Inmates who do not adjust to this program shall be 4-10
 17 reassigned. 4-10
 18 (4) In cooperation with its regional advisory 4-10/1
 19 councils, training programs which will be of mutual benefit to 4-10/2
 20 all governmental jurisdictions of the state by reducing the 4-10/3
 21 costs of government to the taxpayers and which integrate all 4-10/4
 22 instructional programs into a unified curriculum suitable for 4-10/5
 23 all inmates, but cognizant of the different abilities of each 4-10/6
 24 inmate. The Department shall avail itself of the services of 4-10/7
 25 local manpower planning councils to assess the employment 4-10/8
 26 opportunities for released inmates.
 27 Section 5. Section 945.062, Florida Statutes, is 4-10/9
 28 created to read:
 29 945.062 Financing of correctional work programs.-- 4-16
 30 (1) The department shall explore new financing 4-16/
 31 arrangements, including the involvement of private industry

APPENDIX 2-11

1 and expertise within or outside the institutions, to the
2 maximum extent allowed by law. Nothing in this section shall
3 be construed or interpreted as authorizing or permitting the
4 department to incur a state debt of any kind or nature as
5 contemplated by the State Constitution in relation to such
6 financing arrangements.

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7 (2) The correctional work program shall be efficient
8 and shall stress productive labor for all inmates physically
9 able to engage in it.

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10 Section 5. Section 945.063, Florida Statutes, is
11 created to read:

4.24

12 945.063 Operational guidelines for the correctional
13 work programs.--

4.25

14 (1) The department shall establish guidelines for the
15 operation of correctional work programs which shall include
16 the following procedures:

4.26
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17 (a) The education, work experience, emotional and
18 mental abilities, and physical capabilities of the inmate and
19 the length of sentence imposed on the inmate are to be
20 analyzed before assignment of the inmate into the various
21 processes best suited for training.

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22 (b) When feasible, the department shall attempt to
23 obtain training credit for an inmate seeking apprenticeship
24 status.

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25 (c) The inmate may begin in a general work skills
26 program and progress to a specific work skills training
27 program, depending upon the ability, desire, and work record
28 of the inmate.

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29 (d) Modernization and upgrading of equipment and
30 facilities should include greater automation and improved
31 production techniques to expose inmates to the latest

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1 technological procedures to facilitate their adjustment to
2 real work situations.

4.34/4

3 (2) Evaluations of correctional work programs shall
4 conducted according to the following guidelines:

4.39

5 (a) Systematic evaluations shall be implemented, in
6 accordance with s. 20.315(15), to determine whether the
7 correctional work programs are related to successful
8 postrelease adjustments.

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9 (b) Operations and policies of work programs shall be
10 reevaluated to determine if they are consistent with their
11 primary objectives.

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12 (3) The department shall seek the advice of private
13 labor and management to:

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14 (a) Assist its work programs in the development of
15 statewide policies aimed at innovation and organizational
16 change.

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17 (b) Obtain technical and practical assistance,
18 information, and guidance.

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19 (c) Encourage the cooperation and involvement of the
20 private sector.

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21 Section 7. Section 945.16, Florida Statutes, is
22 amended to read:

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23 945.16 Use of goods and services produced in
24 correctional work programs prison-made-products.--

5.2/1

25 (1) All services or items manufactured, processed,
26 grown, or produced by the department in its present programs

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27 or in future programs and not required for use therein may be
28 furnished or sold to all state agencies, departments, and

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29 institutions, political subdivisions of the state, other
30 states, and agencies of the federal government within the

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31 status.

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(h) -- the following items or services whenever

available, may be sold to counties, school districts, sheriffs or county public safety officers, municipalities or other political subdivisions -- furniture, metal products, canned goods, stationary, farm products, bricks and masonry products, repair and maintenance services, tobacco and janitorial supplies. No other items are to be sold to such counties, cities, school districts or the political subdivisions without specific authority from the legislature.

(2) No similar article of comparable price and quality found necessary for use by any state agency or program office or district division under the control or supervision of the Department of Health and Rehabilitative Services or any member thereof may be purchased from any other source when the Department of Offender Rehabilitation shall certify that the same is available and can be furnished by the department. The purchasing authority of any such state institution or agency shall have the power to make reasonable determinations of need, price, and quality with reference to articles available for sale by such correctional work programs, prison industries operated by the department. In the event of a dispute between the division and any purchasing authority, based upon price or quality, the matter shall be referred to the Department of General Services, whose decision shall be final.

Section 8. Section 945.17, Florida Statutes, is amended to read:

945.17 Creation of Correctional Work Program Industrial Trust Fund. -- There is hereby created a Department of Offender Rehabilitation Correctional Work Program Industrial Trust Fund, available for the purpose of financing the operation of correctional work programs industries

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authorized and required by s. 945.06 established by the department and approved by the Advisory Council on Corrections and Prison Industries as provided by law. This account shall be a separate fund in the State Treasury and shall be the depository of all funds used for this purpose by all institutions under the supervision and control of the department.

Section 9. Section 945.18, Florida Statutes, is amended to read:

945.18 Sources of funds. -- The Department of Offender Rehabilitation Industrial Trust Fund shall consist of the original general revenue appropriation which was made in the 1957 session of the legislature together with all assets and proceeds as of June 30, 1957, as determined by the State Auditor of all industrial operations in existence at all correctional institutions as of that date provided, however, that the assets and liabilities as of June 30, 1957, shall not include cash and accounts receivable which are in excess of the current encumbered obligations as of June 30, 1957, it being the intent of the legislature that after current obligations are liquidated the balance remaining in cash and receivables shall be deposited in the General Revenue Fund unattached. Should any general service operation of an institution be transferred to the correctional work program prison industries operation by the department, all assets and liabilities of such operation shall become a part of the Correctional Work Program Trust this Fund. All income, receipts, earnings, and profits from such industrial enterprises shall hereafter be credited to the Correctional Work Program Trust this revolving Fund to be used for the purposes herein set forth; provided, however, that if the

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APPENDIX 2-13

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1 earned surplus in the fund at the end of any fiscal year
 2 exceeds \$1,000,000, one-half of such surplus as determined by
 3 the Auditor General to be in excess of this amount shall be
 4 deposited in the General Revenue Fund, and the other one-half
 5 shall be utilized by the department for the expansion and
 6 improvement of the correctional work program the earned
 7 surplus in the fund at the end of any biennium shall not
 8 exceed \$1,500,000 and such surplus as determined by the
 9 Auditor General to be in excess of this amount shall be
 10 deposited in the General Revenue Fund unallocated.

11 Section 10. Section 945.19, Florida Statutes, is
 12 amended to read:

13 945.19 Use of fund.--The funds shall be used for the
 14 purposes of financing the operation of the correctional work
 15 programs industries herein set forth, and all costs of
 16 operation of correctional work programs prison-industries
 17 shall be paid from this fund, including all personnel whose
 18 time or proportion of time is devoted to such work program
 19 industrial operations. The department shall establish
 20 auditing and cost accounting procedures to provide
 21 comparative analysis of each work program unit. The
 22 department shall prepare and issue annual consolidated and
 23 individual institution financial statements, including, but
 24 not limited to, balance sheets and operation statements for
 25 the correctional work programs. Any withdrawals from the
 26 Correctional Work Program Trust Fund which do not relate to
 27 the operation of the correctional work program shall be
 28 justified separately in the operation statements. The
 29 Department of Offender Rehabilitation shall have the authority
 30 to use moneys in the Correctional Work Program Trust Fund
 31 for long lease purchase agreements for the lease of fixtures

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1 and will not over periods of time exceed the current
 2 fiscal year, provided that such agreements are subject to
 3 annual legislative appropriations. The department shall have
 4 the authority to construct buildings or make capital
 5 investments for the operation of said work programs
 6 industries provided that such construction shall not exceed
 7 \$10,000,000 for any single project.

8 Section 11. This act shall take effect July 1, 1976.

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 10 *****
 11 SENATE SUMMARY
 12 Allows inmates 1 day of gain-time for each day of
 13 productive labor accomplished in a successful manner as
 14 part of a correctional work program. Excludes additional
 15 gain-time for instruction unrelated to a correction work
 16 program. Allows an inmate's work compensation to be
 17 credited to his family's account and for court-ordered
 18 restitution to be deducted from payments made directly to
 19 prisoners. Substitutes "correctional work program" for
 20 "prison industries" and emphasizes the program's goals of
 21 giving inmates meaningful work experience and job-related
 22 skills facilitation reentry into society. Expands the
 23 available market places for inmate-produced goods to
 24 include political subdivisions, other states, and federal
 25 agencies in this state.

26 Renames the Industrial Trust Fund the Correctional Work
 27 Program Trust Fund, and permits one-half of the money in
 28 excess of \$1,000,000 in the fund at the end of the fiscal
 29 year to be used by the department for expansion and
 30 improvement of the correctional work program; the other
 31 one-half goes to the General Revenue Fund. Provides for
 the department to establish budgeting and accounting
 procedures, issue annual financial statements, and allows
 the Department of Offender Rehabilitation to use funds in
 the Correctional Work Program Trust Fund to enter lease
 purchase agreements for longer than 1 year, subject to
 legislative appropriations.

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APPENDIX 2-14

APPENDIX 2

CHAPTER 76-272

LAWS OF FLORIDA

CHAPTER 76-271

(4) STATE PLAN.--The division shall develop a statewide emergency telephone number "911" system plan. The plan shall provide for:

(a) The establishment of the public agency emergency telephone communications requirements for each entity of local government in the state.

(b) A system to meet specific local government requirements. Such system shall include law enforcement, firefighting, emergency medical services and may include other emergency services such as poison control, suicide prevention, and civil defense services.

(c) Identification of the mutual aid agreements necessary to obtain an effective "911" system.

(d) A funding provision which shall identify the cost necessary to implement the "911" system.

(e) A firm implementation schedule, which shall include the installation of the "911" system in a local community within 24 months after the designated agency of the local government gives a firm order to the telephone utility for a "911" system. The public agency designated in the plan shall order such system within 6 months after publication date of the plan if the public agency is in receipt of funds appropriated by the Legislature for the implementation and maintenance of the "911" system.

The division shall be responsible for the implementation and coordination of such plan. The division shall promulgate any necessary rules, regulations, and schedules related to public agencies for implementing and coordinating such plan, pursuant to chapter 120.

Section 2. Any jurisdiction which has utilized local funding on or after July 1, 1976, to begin the implementation of the state plan set forth in s. 365.171, Florida Statutes, shall be eligible for at least a partial reimbursement of their direct cost when and if state funds are available for such reimbursement.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 27, 1976.

Filed in Office Secretary of State June 28, 1976.

CHAPTER 76-273

Committee Substitute for House Bill No. 3958

AN ACT relating to correctional work programs; amending s. 944.27, Florida Statutes; providing for gain-time on a monthly basis as earned; providing legislative intent; amending s. 944.49(2), Florida Statutes; providing for application for compensation for inmate labor; amending s. 945.06, Florida Statutes; changing the term "prison industries" to "correctional work programs" and requiring the department to adopt an agricultural and

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industrial production and marketing program; creating the Prison Industry Commission within the department and providing for the selection of members, organization, and meetings; providing for the Prison Industry Commission to coordinate the development of correctional work programs in the department; creating s. 945.061, Florida Statutes; establishing the objectives of the correctional work programs; creating s. 945.062, Florida Statutes; establishing a financing policy for correctional work programs; creating s. 945.063, Florida Statutes; requiring the department to establish operational guidelines and evaluation processes for the correctional work programs and to seek the aid of private labor and management; amending s. 945.091, Florida Statutes, relating to extended limits of confinement; allowing offenders to participate in paid employment only during the last 18 months of their confinement; prohibiting inmates convicted of certain crimes from attending state-supported or operated universities or community colleges; amending s. 945.11, Florida Statutes, relating to the use of prisoners in public works and reimbursement therefor; authorizing certain political subdivisions to use prisoner services; amending s. 945.16, Florida Statutes; providing that correctional work program products may be sold to political subdivisions, other states, and federal agencies within the state; amending s. 945.17, Florida Statutes; renaming the "Industrial Trust Fund" the "Correctional Work Program Trust Fund"; amending s. 945.18, Florida Statutes; providing for the disposition of the moneys in the fund; amending s. 945.19, Florida Statutes; providing for the establishment of budgeting and accounting procedures for the correctional work programs and the use of moneys in the fund for lease purchase agreements; providing for the department to grant additional gain-time allowances to inmates for the faithful performance of work; amending s. 944.49(2), Florida Statutes, providing that any monetary payments made to prisoners for work performed be made to the prisoner's family or to satisfy court-ordered restitution; amending s. 945.21(1)(h), Florida Statutes, prohibiting monetary payments to prisoners not performing work in a satisfactory manner; providing that the department maximize the use of inmate labor in construction projects; repealing s. 944.27(1), Florida Statutes, the schedule of gain-time allowances for good conduct; providing effective dates.

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

Section 1. Section 944.27, Florida Statutes, is amended to read:

944.27 Gain-time for good conduct; schedule of allowances; cumulative sentences to be treated as one sentence for purposes of allowing and forfeiting.--

(1) The Department of Offender Rehabilitation shall grant the following deductions for gain-time on a monthly basis as earned from the sentences of every prisoner who has committed no infraction of the rules or regulations of the department, or of the laws of the

state, and who has performed in a faithful, diligent, industrious, orderly, and peaceful manner the work, duties, and tasks assigned to him, to wit:

(a) Five days per month off the first and second years of the his sentence;

(b) Ten days per month off the third and fourth years of the his sentence; and

(c) Fifteen days per month off the fifth and all succeeding years of the his sentence; and the prisoner he shall be entitled to credit for a month as soon as the prisoner he has served such time as, when added to the deduction allowable, would equal a month.

(2) It is the intent of the Legislature that work programs be recognized as an integral part of the rehabilitative process and that gain-time under this section be awarded only if earned as provided herein. No inmate shall receive additional gain-time allowances under this section solely by virtue of participation in academic classroom instruction.

(3) ~~(2)~~ When a prisoner is under two or more cumulative sentences, the prisoner he shall be allowed gain-time as if they were all one sentence and his gain-time, including any extra gain-time allowed the prisoner him under s. 944.29, shall be subject to forfeiture as though such sentences were all one sentence.

Section 2. Subsection (2) of section 944.49, Florida Statutes, is amended to read:

944.49 Requirement of labor; compensation; amount; crediting of amount of prisoner; forfeiture; civil rights; prisoner not employee or entitled to compensation insurance benefits.--

(2) Each prisoner who is engaged in productive work in any state correctional institution, program, or facility under the jurisdiction of the department may receive for his work performed such compensation as the department shall determine. Such compensation shall be in accordance with a schedule based on quality and quantity of work performed and skill required for performance and said compensation shall be credited to the account of the prisoner or the prisoner's family. Any monetary payments made directly to the prisoners shall be used in whole or in part to satisfy restitution ordered by a court of competent jurisdiction to the victim of the criminal act. It shall be the policy of the Department of Offender Rehabilitation to require inmates receiving compensation for work performed in community programs to reimburse the state for lodging, food, transportation, and other expenses incurred for sustaining the inmate. Reimbursement shall be according to rules promulgated by the department which shall provide that the inmate retain only a minimal amount of money for personal items and shall take into consideration compensation that may be allocated for the support of the inmate's family and for restitution for the victim of the crime committed.

Section 3. Section 945.06, Florida Statutes, is amended to read:

945.06 Correctional work programs Prison-industries.--

(1) The department shall adopt and put into effect an agricultural and industrial production and marketing program to

provide training facilities for persons confined in the adult correctional institutions under the control and supervision of the department. The emphasis of this program shall be to provide inmates with useful work experience on a full-time basis where feasible and appropriate job skills that will facilitate their reentry into society and to provide an economic benefit to the public and the department through effective utilization of inmates.

(2) The department is authorized to cause to be manufactured, processed, or produced by the inmates of the adult correctional institutions under the control and supervision of the department such items as are practical and adaptable for prison industry and are needed and used in state institutions and agencies and in other governmental jurisdictions of the state. The department shall give priority to the implementation of those activities and services that will directly assist in reducing the reliance of the department upon external sources of supply in the areas of agriculture, animal husbandry, and the allied craft trades that are capable of producing a fiscal benefit to the state and which will facilitate self-sufficiency for the inmate, the department, and other units of government.

Section 4. ^{945.065} (1) There is created within the Department of Offender Rehabilitation the Prison Industry Commission composed of eight commissioners.

(a) Seven commissioners shall be appointed by the Governor and confirmed by the Senate. Two of such commissioners shall be representatives of Florida-based business enterprises; two shall be representatives of agricultural enterprises; two shall be knowledgeable in the field of vocational training.

(b) One commissioner shall be the Secretary of the Department of Offender Rehabilitation.

(2) All members of the Prison Industry Commission shall serve for 4-year terms, except that the Secretary of the Department of Offender Rehabilitation shall be a member of the Prison Industry Commission so long as he shall remain in that position. The terms of the initial members of the Prison Industry Commission shall be as follows: two of the commissioners appointed by the Governor shall have terms of 2 years, two shall have terms of 3 years, and two shall have terms of 4 years. Commissioners may be reappointed. Vacancies shall be filled by appointment for the remainder of the term by the occupant of the office from which the appointment to the vacant seat was originally made.

(3) As soon as practicable after appointment, the members of the Prison Industry Commission shall hold an organizational meeting and shall elect a chairman and other such officers as the Prison Industry Commission deems necessary; provided, the Secretary of the Department of Offender Rehabilitation shall not be elected to any office. Officers shall serve for 1 year and may be reelected.

(4) The Prison Industry Commission shall meet a minimum of four times each year and may also hold additional meetings at the call of the chairman provided that each member is given at least 3 days notice of such meeting. A majority of the members shall constitute a quorum for the transaction of business. Action may be taken by a majority of the members present at a meeting where a quorum is present.

(5) Commissioners shall receive no compensation but shall receive travel expenses and per diem in accordance with s. 112.061, Florida Statutes.

Section 5. The Prison Industry Commission shall:

(1) Plan a correctional work program which provides suitable training and work experience to assist in the rehabilitation and training of persons confined to adult correctional institutions and which will not result in undue competition with private enterprise.

(2) Recommend the establishment and maintenance of industrial plants which can be operated primarily by inmates in a manner profitable to the state and beneficial in the training of inmates through the manufacture, processing or producing of such items as are practical and adaptable for prison industry and are needed and used by state institutions and agencies, counties, municipalities, school districts or other political subdivisions, any federal agency or institution or any agency, institution or political subdivision of another state.

(3) Review the operation of correctional work programs, annually to determine if undue competition with private enterprise exists, and recommend adjustments necessary to prevent undue competition.

(4) Determine which existing industries are operated on a self-sustaining basis and recommend policies which would assist in achieving a financially self-sustaining basis for all correctional work programs.

(5) Provide annually a report to the Governor, the secretary of the department and the Legislature prior to October 1 of each year summarizing the status of the correctional work program. The report may also include any other relevant information and may include recommendations for changes in any other area of offender rehabilitation which would aid in the establishment or success of a correctional work program.

(6) The department is authorized to implement a correctional work program taking into consideration the recommendations of the Prison Industry Commission, including recommendations for providing for gain-time credits for those inmates who participate in the correctional work program. The Department shall work with the Prison Industry Commission and shall be responsible for the administration of the correctional work program and shall provide the Prison Industry Commission with staff assistance to carry out the provisions of this act.

Section 6. Section 945.061, Florida Statutes, is created to read:

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

(1) Attitudes favorable to work, the work situation, and to 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 this program 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 cognizant 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.

Section 7. Section 945.062, Florida Statutes, is created to read:

945.062 Financing of correctional work programs.--

(1) The department shall explore new financing arrangements, including the involvement of private industry and expertise within or outside the institutions, to the maximum extent allowed by law. Nothing in this section shall be construed or interpreted as authorizing or permitting the department to incur a state debt of any kind or nature as contemplated by the State Constitution in relation to such financing arrangements.

(2) The correctional work program shall be efficient and shall stress productive labor for all inmates physically able to engage in it.

Section 8. Section 945.063, Florida Statutes, is created to read:

945.063 Operational guidelines for the correctional work programs.--

(1) The department shall establish guidelines for the operation of correctional work programs which shall include the following procedures:

(a) The education, work experience, emotional and mental abilities, and physical capabilities of the inmate and the length of sentence imposed on the inmate are to be analyzed before assignment of the inmate into the various processes best suited for training.

(b) When feasible, the department shall attempt to obtain training credit for an inmate seeking apprenticeship status.

(c) The inmate may begin in a general work skills program and progress to a specific work skills training program, depending upon the ability, desire, and work record of the inmate.

(d) Modernization and upgrading of equipment and facilities should include greater automation and improved production techniques to expose inmates to the latest technological procedures to facilitate their adjustment to real work situations.

(2) Evaluations of correctional work programs shall be conducted according to the following guidelines:

(a) Systematic evaluations shall be implemented, in accordance with s. 20.315(15), to determine whether the correctional work programs are related to successful post-release adjustments.

(b) Operations and policies of work programs shall be reevaluated to determine if they are consistent with their primary objectives.

(3) The department shall seek the advice of private labor and management to:

(a) Assist its work programs in the development of statewide policies aimed at innovation and organizational change.

(b) Obtain technical and practical assistance, information, and guidance.

(c) Encourage the cooperation and involvement of the private sector.

Section 9. Paragraph (b) of subsection (1) of section 945.091, Florida Statutes, is amended to read:

(1) The [department] is authorized to adopt regulations permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe he will honor his trust by authorizing him, under prescribed conditions and following investigation and approval by the director secretary, who shall maintain a written record of such action and forward a copy of his approval to the Parole and Probation Commission, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(b) Work at paid employment, participate in education or a training program, or voluntarily serve a public or non-profit agency in the community while continuing as an inmate of the institution or facility in which he shall be confined except during the hours of his employment, education, training or service and traveling thereto and therefrom. Inmates shall participate in paid employment only during the last 12 18 months of their confinement unless sooner requested by the Parole and Probation Commission. The provisions of this section shall not be deemed to authorize any inmate who has been convicted of any murder, manslaughter, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, aircraft piracy or any attempt to commit the aforementioned crimes, to attend any classes at any state community college or any university which is a part of the State University System.

Section 10. Section 945.11, Florida Statutes, is amended to read:

945.11 Use of prisoners in public works.--

(1) The [department] is authorized to enter into agreements with such political subdivisions of the state, as defined by s. 1.01(9), and with such agencies and institutions of the state as might, under supervision of employees of the [department], use the services of inmates of correctional institutions and camps when it is determined by the [department] that such services will not be detrimental to the welfare of such inmates or the interests of the state in a program of rehabilitation.

(2) The budget of the [department] may shall be reimbursed from the budget of any political subdivision of the state as defined by s. 1.01(9), state agency or institution for the services of inmates and personnel of the [department] in such amounts as may be determined by

agreement between the [department] and the head of such political subdivision, agency or institution on the basis of the costs of such services to the agency or institution, whichever shall be lower.

Section 11. Section 945.16, Florida Statutes, is amended to read:

945.16 Use of goods and services produced in correctional work programs prison-made products.--

(1) (a) All services or items manufactured, processed, grown, or produced by the department in its present programs or in future programs and not required for use therein may be furnished or sold to all state agencies, departments, and institutions, political subdivisions of the state, other states, and agencies of the federal government within the state.

(b) The following items or services, whenever available, may be sold to counties, school districts, sheriffs or county public safety officers, municipalities, or other political subdivisions: furniture, metal products, canned goods, clothing, farm products, bricks and masonry products, repair and maintenance services, tobacco, and janitorial supplies. No other items are to be sold to such counties, cities, school districts, or like political subdivisions without specific authority from the Legislature.

(2) No similar article of comparable price and quality found necessary for use by any state agency or division under the control or supervision of the Department of Health and Rehabilitative Services or any member thereof may be purchased from any other source when the department Department of Offender Rehabilitation shall certify that the same is available and can be furnished by the department. The purchasing authority of any such state institution or agency shall have the power to make reasonable determinations of need, price, and quality with reference to articles available for sale by such correctional work programs prison industries operated by the department. In the event of a dispute between the division department and any purchasing authority, based upon price or quality, the matter shall be referred to the department Department of Administration, whose decision shall be final.

Section 12. Section 945.17, Florida Statutes, is amended to read:

945.17 Creation of Correctional Work Program Industrial Trust Fund.--There is hereby created a Department of Offender Rehabilitation Correctional Work Program Industrial Trust Fund, available for the purpose of financing the operation of correctional work programs industries authorized and required by s. 945.06 established by the department and approved by the Advisory Council on Corrections and Prison Industries, as provided by law. This account shall be a separate fund in the State Treasury and shall be the depository of all funds used for this purpose by all institutions under the supervision and control of the department.

Section 13. Section 945.18, Florida Statutes, is amended to read:

945.18 Sources of fund.--The Department of Offender Rehabilitation Industrial Trust Fund shall consist of the original general revenue appropriation which was made in the 1957 Session of the Legislature, together with all assets and liabilities as of June 30, 1957, as determined by the State Auditor, of all industrial operations in existence at all correctional institutions as of that

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date; provided, however, that the assets and liabilities as of June 30, 1957, shall not include cash and accounts receivable which are in excess of the current encumbered obligations as of June 30, 1957, it being the intent of the Legislature that after current obligations are liquidated the balance remaining in cash and receivables shall be deposited in the General Revenue Fund unallocated. Should any general service operation of an institution be transferred to the correctional work program prison industries operation by the department, all assets and liabilities of such operation shall become a part of the Correctional Work Program Trust Fund this fund. All income, receipts, earnings, and profits from such industrial enterprises shall hereafter be credited to the Correctional Work Program Trust Fund this revolving fund to be used for the purposes herein set forth; provided, however, that if the earned surplus in the fund at the end of any fiscal year exceeds \$1,500,000, one-half of such as determined by the Auditor General to be in excess of this amount shall be deposited in the General Revenue Fund, and the other one-half shall be utilized by the department for the expansion and improvement of the correctional work program the earned surplus in the fund at the end of any biennium shall not exceed \$4,500,000 and such surplus as determined by the Auditor General to be in excess of this amount shall be deposited in the General Revenue Fund unallocated.

Section 14. Section 945.19, Florida Statutes, is amended to read:

945.19 Use of fund.--The funds shall be used for the purposes of financing the operation of the correctional work programs industries herein set forth, and all costs of operation of correctional work programs prison industries shall be paid from this fund, including all personnel whose time or proportion of time is devoted to such work program industrial operations. The department shall establish budgeting and cost accounting procedures to provide comparative analysis of each work program unit. The department shall prepare and issue annual consolidated and individual institution financial statements, including, but not limited to, balance sheets and operating statements for the correctional work programs. Any withdrawals from the Correctional Work Program Trust Fund which do not relate to the operation of the correctional work program shall be identified separately in the operating statements. The Department of Offender Rehabilitation shall have the authority to use moneys in the Correctional Work Program Trust Fund to enter into lease purchase agreements for the lease of fixtures and equipment over periods of time exceeding the current fiscal year, provided that such agreements are subject to annual legislative appropriations. The department shall have the authority to construct buildings or make capital improvements for the operation of said work programs industries; provided that such construction shall not exceed \$40,000 for any single project.

Section 15. Prior to January 1, 1979, the department is authorized to grant additional gain-time allowances on a monthly basis as earned up to 1 day off the sentence for each productive or institutional labor performed and after January 1, 1979, up to one day off the sentence for each day of productive or institutional labor performed by any prisoner who has committed no infraction of the rules of the department or of the laws of this state and who has accomplished in a faithful, diligent, industrious, orderly, and peaceful manner the work, duties, and tasks assigned as part of an organized program of agricultural or mechanical labor in a correctional work program; provided, however, that no inmate shall

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receive additional gain-time allowances under this section solely by virtue of participation in any program of educational or classroom instruction unrelated to a correctional work program. Educational opportunities and classroom instruction unrelated to a correctional work program shall be available in addition to, but not in lieu of, the correctional work program developed by the department. Any prisoner who, without approval, refuses or neglects to perform the work, duties, and tasks assigned to him in the correctional work program in a faithful, diligent, industrious, orderly, and peaceful manner shall forfeit gain-time as provided in s. 944.28, Florida Statutes.

Section 16. Subsection (2) of section 944.49, Florida Statutes, is amended to read:

944.49 Requirement of labor; compensation; amount; crediting of amount of prisoner; forfeiture; civil rights; prisoner not employee or entitled to compensation insurance benefits.--

(2) Each prisoner who is engaged in productive work in any state correctional institution, program, or facility under the jurisdiction of the department may receive for his work performed such compensation as the department shall determine. Such compensation shall be in accordance with a schedule based on quality and quantity of work performed and skill required for performance and said compensation shall be credited to the account of the prisoner or the prisoner's family. Any monetary payments made directly to the prisoner shall be used in whole or in part to satisfy restitution ordered by a court of competent jurisdiction to the victim of the criminal act.

Section 17. Paragraph (h) of subsection (1) of section 945.21, Florida Statutes, is amended to read:

945.21 Regulations of the department.--

(1) The department is authorized to adopt and promulgate regulations governing the administration of the correctional system and the operation of the department. In addition to specific subjects otherwise provided for herein, regulations of the department may relate to:

(h) ~~Payments to prisoners for work performed. Such payments, if any, shall to be made from the profits of the Industrial Trust Fund. Such regulations to include restrictions on the use of earnings, including payments for support of dependents and release reserves. The regulations shall provide that no payment shall be made to any prisoner who fails to satisfactorily perform the work assigned.~~

Section 18. The Department of Offender Rehabilitation shall maximize the use of inmate labor in the construction of inmate housing and the conduct of all maintenance projects so that such activities provide for the optimum number of inmates in the most cost effective manner.

Section 19. Subsection (1) of section 944.27, Florida Statutes, is hereby repealed.

Section 20. This act shall take effect July 1, 1976 except that section 19 shall take effect January 1, 1979.

Approved by the Governor June 27, 1976.

Filed in Office Secretary of State June 28, 1976.

CHAPTER 76-274

House Bill No. 3996

AN ACT relating to offender rehabilitation and parole; providing a short title; providing definitions; providing legislative intent; providing for a pilot program whereby the terms of institutional confinement, a guaranteed parole date, the terms of parole supervision, and release from parole are agreed to by the Department of Offender Rehabilitation, the Parole and Probation Commission, and an offender; providing for contents of such agreements; providing for approval, rejection, and renegotiation of such agreements; providing for certain rules; providing for reports of offender progress; providing for submission of annual evaluations of the program to the Legislature; requiring the adoption of certain rules by a specified date; amending s. 924.06, Florida Statutes, providing that a defendant who pleads guilty or nolo contendere without expressly reserving the right to appeal shall have no right to a direct appeal; creating s. 921.242, Florida Statutes; directing the court to permit the victim of a crime to appear and make a statement at the offender's sentencing hearing or to submit a written statement, when the offender has pleaded guilty or nolo contendere; requiring the state attorney or his assistant to advise victims of the proper content of such statements; authorizing the court to refuse to accept a negotiated plea; providing an effective date.

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

Section 1. Short title.--

This act shall be known and may be cited as the "Mutual Participation Program Act of 1976."

Section 2. Definitions.--

(1) "Department" means the Department of Offender Rehabilitation.

(2) "Commission" means the Parole and Probation Commission.

(3) "Mutual Participation Program Coordinator" means an individual employed by the department who acts as a coordinator between the department, the commission, and the offender for the purpose of informing all parties of the offender's performance of certain conditions and activities necessary to achieve release on parole.

Section 3. Legislative intent.--

(1) It is the intent of the Legislature to:

CONTINUED

1 OF 2

APPENDIX 3

CHAPTER 57-213 LAWS OF FLORIDA

pending. All acts relating to trademarks and parts of any other acts inconsistent herewith are hereby repealed on the effective date of this act, provided that as to any suit, proceeding or appeal, and for that purpose only, pending at the time this act takes effect such repeal shall be deemed not to be effective until final determination of said pending suit, proceeding or appeal.

Approved by the Governor May 27, 1957.

Filed in Office Secretary of State May 27, 1957.

CHAPTER 57-213

SENATE BILL NO. 252

AN ACT to create a department of corrections under the Board of Commissioners of State Institutions; to provide for an advisory council on adult corrections and prison industries; to provide for operation of prison camps; to provide for a transfer of camps from the Road Department to the Department of Corrections; to provide for reception centers and a system of classification; to provide that offenders shall be committed to the custody of the department; to provide for cooperation with the Parole Commission; to provide a state use law for the sale of articles manufactured by prison industries; to provide for transfer of prisoners for medical treatment; to provide for employment of the director by the Board of Commissioners of State Institutions; to authorize the board to adopt regulations relating to the duties of the department and the personnel thereof; to repeal Sections 954.18, 954.04, 954.45, 954.05, 954.09, 954.32, and 954.46. Florida Statutes, and providing an effective date.

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

Section 1. Definitions. As used herein, the following terms shall have the meanings ascribed to them unless the context shall clearly indicate otherwise:

Board: The Board of Commissioners of State Institutions.

Correctional System: All prisons and other correctional institutions now existing or hereafter created under the jurisdiction of the department.

Council: The advisory council on adult corrections and prison

industries designated by the Board of Commissioners of State Institutions as herein provided.

Department: Wherever the word 'department' or the phrase 'department of corrections' is used in this act it shall mean the division of corrections under the board of commissioners of state institutions.

Director: The director of the department of corrections employed by the Board of Commissioners of State Institutions as herein provided.

Reception Center: A temporary custodial institution for offenders committed to the department for classification and assignment to an appropriate institution in the correctional system.

Section 2. There is hereby created a department of corrections under the control of the Board of Commissioners of State Institutions.

Section 3. The department shall be administered by a director selected by the board as herein provided, and shall consist of a division of corrections and such other units as the director may establish with the approval of the board, for the maintenance of records, management of the department and the administration of essential programs and services.

Section 4. The department shall be responsible for the inmates and for the operation of, and shall have supervisory and protective care, custody, and control of all buildings, grounds, property of, and matters connected with, the correctional system.

Section 5. *Advisory Council on Adult Corrections and Prison Industries.* (1) There shall be an advisory council on adult corrections and prison industries composed of not more than nine (9) members designated by the board to serve at the pleasure of the board. The members of the council shall be citizens and residents of the state and shall be at least thirty-five (35) years of age.

(2) By virtue of background, experience, and interest, membership to the council shall be selected as follows:

- (a) at least one member as a representative of management
- (b) at least one member as a representative of labor
- (c) at least one member as a representative of agriculture

- (d) at least one member as a representative of education
- (e) at least one member representing the medical profession
- (f) at least two (2) members selected on the basis of interest in problems related to adult corrections.

(3) The members of the council shall receive no compensation but shall be reimbursed from the budget of the department for the expense of attending meetings of the council, such reimbursement not to exceed the mileage and per diem payable to state officers and employees.

(4) The council shall consult with the board and the director on correctional programs and prison industries, and shall make recommendations concerning the style, design and quality of articles to be manufactured as well as for economies in manufacture and proper industrial planning for the several institutions under the control of the department.

Section 6. *Prison Industries.* (1) The director, with the advice of the council and the approval of the board, shall adopt and put into effect an industrial program to provide training facilities for persons confined in the adult correctional institutions under the control and supervision of the board.

(2) The board is authorized to cause to be manufactured, processed or produced by the inmates of the adult correctional institutions under the control and supervision of the board such items as in the opinion of the council are practical and adaptable for prison industry and are needed and used in state institutions and agencies.

(3) In determining the articles and the style, design and quality of the articles to be manufactured, the director shall install no program contrary to the recommendations of the council.

Section 7. *Prison camps* operated under the supervision of the State Road Department, including the personal property, appurtenances and interest in realty in such camps held in the name of the State Road Department, together with the inmates and matters connected therewith, shall be transferred to the department. Such camps and such other camps as the board, upon the recommendation of the director, may establish shall be under the control and supervision of the department and shall be operated as an integral part of the department. The camps shall be used for such public purposes

as the board may by regulations prescribe. The transfer of camps from the State Road Department to the department of corrections shall be made upon the advice of the director to the board that the department is so organized and properly financed as to assume the responsibility for their operation. The board shall notify the State Road Department and each district engineer of such advice. Thereupon, all custodial personnel employed by the State Road Department shall become provisional employees of the department of corrections under such regulations relating to employees of the department as the board may provide.

Section 8. The board shall adopt regulations for the classification of all offenders according to age, sex, race and such other factors as the board may deem advisable and shall provide for the separation of prisoners by sex and race except where such separation while prisoners are being worked shall be impracticable.

Section 9. All prisoners sentenced to the state penitentiary shall be committed by the court to the custody of the department and shall be conveyed in the manner provided by law to such institution in the correctional system as the department shall direct. The department shall establish a reception and classification center for male prisoners at the State Prison at Raiford. The department shall provide reception and classification facilities for female prisoners at the Florida Correctional Institution at Lowell. Classification facilities shall be provided in the discretion of the department at all institutions in the correctional system. Classification of prisoners shall be made by a board or boards designated by the Board of Commissioners of State Institutions. Pursuant to such regulations as the board may provide, the department is authorized to transfer prisoners from one institution to another institution in the correctional system and to reclassify prisoners as circumstances may require.

Section 10. The Parole Commission shall furnish the director with a copy of its report of presentence investigation, if one has been made, and subsequent information as same may become available, on every person committed to the custody of the department. The information furnished by the Parole Commission shall be confidential and shall be available only to public officers and employees in the performance of a public duty. No inmate of any institution shall have access to any such information or excerpts therefrom.

The department shall cooperate with the Parole Commission as may be required for the proper performance of the functions of the Parole Commission.

Section 11. Use of Prisoners in Public Works. (1) The board is authorized to enter into agreements with such agencies and institutions of the state as might, under supervision of employees of the department, use the services of inmates of adult correctional institutions and camps when it is determined by the director and the board that such services will not be detrimental to the welfare of such inmates or the interests of the state in a program of rehabilitation.

(2) The budget of the department shall be reimbursed from the budget of any state agency or institution for the services of inmates and personnel of the department in such amounts as may be determined by agreement between the director and the head of such agency or institution and approved by the board on the basis of the costs of such services to the department or the value of such services to the agency or institution, whichever shall be lower.

Section 12. Transfers for Medical Treatment. (1) The director is authorized to transfer drug addicts committed to the hospital of the State Prison under Section 398.18, Florida Statutes, to an appropriate institution for treatment. The director may transfer addicted, insane, tuberculous, or other prisoners requiring specialized medical treatment to an appropriate institution.

(2) The board is authorized to enter into agreements with the controlling authorities of such state institutions as shall have or be provided with appropriate facilities for the secure confinement and treatment of drug addicts, alcoholics, insane, and tuberculous persons. In any such agreement the board shall provide for custodial personnel to maintain proper security of persons transferred from the correctional system to any other state institution. Such custodial personnel shall be employed and paid by the department and subject to such rules as shall be agreed upon jointly by the board and the controlling authority entering into such agreement.

(3) The board is authorized to reimburse the institution furnishing treatment at a figure agreed upon by the board and the controlling authority of such institution.

(4) When in the opinion of the superintendent of an institution to which a prisoner has been transferred such prisoner has been cured, or will no longer benefit from treatment at that institution, other than an insane prisoner, the superintendent shall notify the department, which shall, at the earliest practicable date thereafter, convey such prisoner to the appropriate classification center for reclassification.

Section 13. Use of Prison Made Products. (1) All items manufactured, processed or produced in the correctional institutions under the control and supervision of the board and not required for use therein shall be furnished to state institutions or agencies, upon request of political sub-divisions of the State, items of school and office furniture, and clay products, and other products not now manufactured in the State as of April 1st, 1957 may be furnished to such political sub-divisions of the State.

(2) No similar article of comparable price and quality found necessary for use by any State agency or department under the control or supervision of the board or any member thereof, may be purchased from any other source when the board shall certify that the same is available and can be furnished by the department. The purchasing authority of any such state institution or agency shall have the power to make reasonable determinations of need, price and quality with reference to articles available for sale by such prison industries operated by the department. In the event a dispute between the director and any purchasing authority, based upon price or quality, the matter shall be referred to the board, whose decision shall be final.

Section 14. Regulations of the Board. (1) The board is authorized to adopt and promulgate regulations governing the administration of the correctional system and the operation of the department. In addition to specific subjects otherwise provided for herein, regulations of the board may relate to:

- (a) Conduct to be observed by prisoners
- (b) Punishment of prisoners
- (c) Gain time for good conduct of, release payments to, and release transportation of, inmates
- (d) Uniforms for inmates and custodial personnel

- (e) Rules of conduct of custodial and other personnel
- (f) Classification of personnel and duties assigned thereto
- (g) Credits for confinement prior to commitment to the department
- (h) Payments to prisoners for work performed. Such payments, if any, to be made from the profits of the Industrial Trust Fund. Such regulations to include restrictions on the use of earnings, including payments for support of dependents and release reserves.
- (i) Visiting hours and privileges
- (j) Mail to and from inmates
- (k) The operation of canteens and the participation in canteen funds
 - (1) The feeding of prisoners, including diet and menus, and the furnishing of health and comfort items to indigent prisoners
 - (m) Such other regulations as in the opinion of the board may be necessary for the efficient operation and management of the correctional system
 - (2) Regulations of the board shall be adopted pursuant to resolution of the board and filed with the Secretary of State as provided in Chapter 120, Florida Statutes.

Section 15. Director, Superintendents, and Wardens. (1) The director shall be employed by the board with the affirmative vote of the Commissioner of Agriculture. At the time of employment the director shall be not less than thirty-five (35) years of age and shall have had at least five (5) years of successful experience in the administration of a correctional system.

(2) The superintendents or wardens of all institutions of the correctional system shall be employed by the board upon the recommendation of the director.

Section 16. Civil Service. (1) The board may by regulation establish a system of employee selection to provide for the employment of personnel of the department, pursuant to examination, on the basis of minimum qualification; such qualifications to be established by the board.

(2) The board may by regulation provide for provisional appointments of such employees for a reasonable period, upon the termination of which an employee shall be dismissed or given permanent status, subject to removal as the regulations may provide.

(3) The board may by regulation provide for the removal, suspension or demotion of employees for cause specified in the regulations.

(4) The board may by regulation provide for a classification plan and salary schedule for employees, including provisions for promotion and recognition of merit, leave and in-service training.

(5) The director may be discharged for good cause by the board at any time notwithstanding the terms or conditions of his employment, and, unless the director waive his right to a public hearing, such discharge shall be subject to the following procedure:

(a) Upon a finding of good cause by resolution of the board, the director shall be deemed suspended and immediately relieved of his authority.

(b) Within five (5) days after such action by the board, a copy of the resolution shall be furnished the director, and, at his request, the board shall set a date for the hearing of such charges, the hearing to be held not more than twenty-five (25) days from the date of such request.

(c) At such hearing, the board shall hear and receive testimony relating to the truth or falsity of the charges specified in the resolution, or relating to additional charges submitted at the hearing. At the conclusion of the hearing, the board shall, by resolution, make its findings in the matter. In the resolution, the board may find that any of the charges constituting good cause for removal have been sustained, in which event the director shall be removed. The board may find that the charges have not been sustained or may withdraw any or all of the charges, and in the event no charge constituting good cause for removal is sustained, the director shall be reinstated without loss or compensation or other rights for the period the suspension was in effect.

(6) In lieu of the above provisions of this section, the board may elect to place the director and all other employees of the department

under the general state merit system as provided in Chapter 110, Florida Statutes.

Section 17. Section 954.18, Florida Statutes, relating to supervision of the State Prison; Sections 954.04 and 954.45, Florida Statutes, relating to classification and examination of convicts; Section 954.05, Florida Statutes, relating to prison officers and guards; Section 954.09, Florida Statutes, relating to powers of the Board of Commissioners of State Institutions; Section 954.32, Florida Statutes, relating to discharged convicts; and Section 954.46, relating to the treatment of insane convicts; are hereby repealed.

Section 18. This act shall take effect on July 1, 1957.

Approved by the Governor May 27, 1957.

Filed in Office Secretary of State May 27, 1957.

CHAPTER 57-214

SENATE BILL NO. 369

AN ACT relating to dental college scholarships; amending Subsections (5) and (6) of Section 466.43, Florida Statutes, relating to the awarding of dental college scholarships; amending Section 466.45, Florida Statutes, relating to recipients' agreements to practice dentistry in communities designated by state board of health; and providing an effective date.

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

Section 1. Subsections (5) and (6) of Section 466.43, Florida Statutes, are amended to read:

466.43 *Dental college scholarships: how awarded.*—

(5) If in any one (1) year there are not ten (10) qualified applicants for the ten (10) scholarships authorized for said year or if any application is made and granted for less than a four (4) year scholarship, then the scholarships or any portion thereof authorized but not utilized during said year may be granted to any qualified applicants who have completed only a portion of their dental training; and if not utilized for this purpose, then said scholarships or any portion thereof shall be carried over and added to the scholarships which are authorized in succeeding years.

SENATE COMMITTEE ON HEALTH AND REHABILITATIVE SERVICES
Staff Analysis (by McCallister)

1976

BILL NO. AND INTRODUCER:CS/SB 129 and 245 by the Committee
on Health and Rehabilitative Services
and Senators Gallen, Ware, Glisson and
othersRELATING TO:Department of Offender
Rehabilitation; Prison
Industries

REFERENCES: Health and Rehabilitative Services, Ways & Means

I. BILL SUMMARY:

The bill requires the Department of Offender Rehabilitation to implement a program of industrial and agricultural labor and training for inmates of its institutions. An eight-member Prison Industry Commission is created to oversee the operations of these programs and advise the Department on their management. Objectives are established for the correctional work programs and the Department is to seek the advice of private labor and management. The Department may sell its products to all political subdivisions of the state and other states as well as federal agencies within Florida. The Industrial Trust Fund is renamed the Correctional Work Program Trust Fund and budgeting and accounting procedures are mandated for the work programs. Additional gain time allowances are authorized up to a day off the sentence for each day of productive labor performed. Any monetary payments made to prisoners for work performed shall be distributed to the prisoner's family and to satisfy restitution to the victim of the crime. Monetary payments are prohibited for unsatisfactory work and this may result in the loss of gain time. Provides that the Department maximize the use of inmate labor in all construction projects. Repeals the schedules of gain time and extra gain time as of January 1, 1979. The bill is effective July 1, 1976.

II. BILL ANALYSIS:A. CURRENT SITUATION:

The Committee Substitute is an outgrowth of concerns expressed in Senate Bills 129 and 245 as well as concerns of the Committee for upgrading in the industrial and agricultural programs in the state's adult penal institutions. The Department of Offender Rehabilitation operates programs which produce finished goods and food products for itself and other governmental jurisdictions at the present time but only involving some 10%-12% of its total inmate workforce. Evaluations of the Department's activities by prison authorities from the State of Texas have indicated that there are substantial operating deficiencies which could be overcome by infusions of new cash, managerial expertise, and product and service operations. The Texas prison system is viewed as a model upon which Florida can base a number of new and productive undertakings, such as school bus repair facilities, which can greatly reduce the costs of government while providing realistic job training to inmates.

B. BILL ANALYSIS:

The legislation provides a statutory framework through which the Department may undertake a more ambitious program of industrial training and agricultural production involving all of its inmates. Incentives are built into the legislation which would allow the retention of a certain portion of the earned surplus from the correctional work programs at the end of each fiscal period for a general upgrading of the system. Additionally, incentives are provided inmates for their involvement in work programs. The abolition of statutory and extra gain time allowances after January 1, 1976, means that inmates will have to be gainfully occupied in an organized work activity to reduce their sentences. The bill establishes a priority of work before non-applied academic pursuits although it permits a complement of educational activities as long as they are incidental to a productive work experience by inmates.

III. TECHNICAL ERRORS:

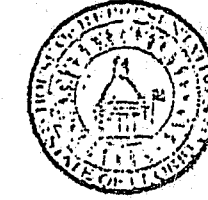
None noted.

IV. STAFF COMMENTS:

The Senate General Appropriations Bill provides an additional \$3 million in fixed capital outlay for the Department to expand its work programs. The incentive for the Department to pursue this activity is reinforced by a reduction in the sums allocated for food products and bedding and textiles for the coming fiscal year to assure that these programs are moved toward a self-sustaining stage quickly.

A recently issued report by the Educational Commission of the States notes that some states, Minnesota in particular, have begun to review their policies on prison industries with an eye now for broadening its perspective through the repeal or modification of state statutes on the utilization of prison products and services. Along with this some thought may be given to the effect of possibly restrictive federal legislation which, since the 1930's, has prohibited the shipment of prison-made goods in interstate commerce.

APPENDIX 4



FLORIDA HOUSE OF REPRESENTATIVES

DONALD L. TUCKER, Speaker / JOHN L. RYALS, Speaker Pro Tempore
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

Elaine Gordon
Chairperson

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

Walter W. Sackett, Jr.
Vice Chairman

HB 3958 by Representative Fortune
Correctional Work Programs

PROBLEM

In 1971 the Texas Department of Corrections evaluated the Florida prison industries program and found a "great many problems." Since little has changed in the prison industries program in recent years, many comments contained in that report remain valid. The following are summary observations which were made about Florida's work programs.

1. There is inactivity in the forestry program because of "lack of purpose, lack of program, lack of management and lack of labor."
2. "There is no master plan in [the] agricultural program."
3. "It appears there is no relation between labor available [at various institutions] and the programs in operation, nor did it appear that any other than trusty labor was being used in farm operations."
4. "There is little indication of location planning in [the] farm installations and no uniformity."
5. There is a vast unexploited production potential of great surpluses of beef if all . . . available land were systematically developed and properly managed."
6. "in beef production [there is] adequate land, an apparent adequacy of labor, an improper application of capital, and lack of a long range detailed plan for development of this resource."
7. "There is no reason . . . why [the Department] should not be able to produce poultry and poultry products cheaper than any one in Florida."
8. "[The] swine program is poorly organized and poorly executed."

(more)

In March of 1975 the then Division of Corrections reassessed the prison industries program and made several conclusions parallel to the Texas report which included the need to:

1. Consolidate, eliminate or reduce the scope of certain industries, and reinvest resources in more profitable endeavors;
2. Upgrade and reorient industries with indirect rehabilitative value;
3. Expand and modernize industries that have direct rehabilitative value;
4. Identify new markets and customers for prison industries products;
5. Adopt incentive programs to increase inmate motivation; and
6. Initiate a full-scale certification program.

With the above comments provided by the Texas Department of Corrections in 1971 and reiterated by a 1975 evaluation of prison industries by the Division of Corrections, the Department's budget request for 1976-77 indicated on page 130 that only 1,100 persons or less than 10% of the institutional population were involved in correctional work programs. It costs the state considerable sums to house and feed prisoners. A correctional work program is a major approach to significantly reduce those costs (witness the Texas program, for example.)

WHAT THE BILL DOES

This bill revitalizes the prison industries or correctional work program.

Section 1. Amends s. 944.27, Florida Statutes, to allow, as a motivating feature, extra gain time over and above that allowed under normal circumstances for offenders participating in the correctional work program.

Section 2. Amends s. 944.49, Florida Statutes, to allow compensation for work performed to be credited to the account of the prisoner's family in addition to the prisoner's personal account. Any monetary payments made directly to the prisoner shall be used in whole or in part to satisfy restitution to the victim ordered by the court.

Section 3. Amends s. 945.06, Florida Statutes, to emphasize useful work experience and the economic benefits derived from effective utilization of inmates. This section directs the Department to give priority to the implementation of those activities

which will directly assist in reducing reliance upon private vendors for products.

Section 4. Creates within the Department of Offender Rehabilitation the Prison Industry Commission composed of eight commissioners including the Secretary of the Department of Offender Rehabilitation and seven specified individuals appointed by the Governor. Terms of the meeting requirements are outlined. Commissioners shall receive no compensation other than travel and per diem.

Section 5. Outlines the duties of the Prison Industry Commission.

Section 6. Creates s. 945.061, Florida Statutes, providing the objectives of the work program to include the development of specific work skills and motivation of inmates to the limits of their abilities and the development of training programs of mutual benefits to all governmental jurisdictions.

Section 7. Creates s. 945.062, Florida Statutes, directing the Department to explore new financing arrangements for the correctional work program to the maximum extent allowed by law.

Section 8. Creates s. 945.063, Florida Statutes, to provide operational guidelines for the correctional work program.

Section 9. Amends section 945.09 to prohibit inmates convicted of certain crimes from attending classes at any state college or university.

Section 10. Amends section 945.11 to authorize the Department to enter into agreements with political subdivisions of the state to use services of inmates.

Section 11. Amends s. 945.16, Florida Statutes, to allow the sale of work program services and goods to other state agencies, political subdivisions of the state, other states and agencies of the federal government within the state. Any state agency needing any article from the Department of Offender Rehabilitation and meeting certain criteria shall purchase such article from the Department of Offender Rehabilitation.

Section 12. Amends s. 945.17, Florida Statutes, redefining the Industrial Trust Fund to become the Correctional Work Program Trust Fund and eliminating the approval of an advisory council.

Section 13. Amends s. 945.18, Florida Statutes, redistributing the proceeds of the correctional work program.

Section 14. Amends s. 945.19, Florida Statutes, requiring budgetary and cost accounting procedures to provide comparative

analysis of each work program unit. The Department is allowed to expend trust fund monies to enter into lease agreements and lease-purchase agreements.

Section 15. Authorizes the Department prior to January 1, 1979 to grant additional gain-time allowances on a monthly basis as earned up to 1 day off the sentence for each day of labor performed provided inmates meet certain other conditions.

Section 16. Amends section 944.49, Florida Statutes to allow compensation for work performed to be credited to account of prisoner or prisoner's family (duplicating portions of section 2).

Section 17. Amends section 945.21, Florida Statutes, to authorize the Department to promulgate rules to carry out the prison industries programs.

Section 18. Provides that the Department of Offender Rehabilitation shall maximize the use of inmate labor in construction and maintenance of prison facilities.

Section 19. Repeals subsection (1) of section 944.27 relating to computation of gain-time (see also section 1).

Section 20. Provides an effective date of July 1, 1976 except section 19 takes effect January 1, 1979.

ECONOMIC IMPACT

Fully implemented and efficiently managed, a correctional work program could result in a cost savings to the state. However, implementation of the current program has a fiscal impact. In the 1976-77 budget, the Department requested \$1,171,820 and the Governor recommended \$1,210,782 to operate prison industries. At best, in the near future the state may anticipate approaching a self-supporting program.

ORGANIZATIONAL IMPACT

None.

COMMITTEE COMMENTS

Making the adult corrections system both a crime deterrent as well as a rehabilitative enterprise requires the coordinated efforts of all criminal justice system components. For the institutionalized offender, the prospects of making this system work

to his advantage diminish the further he is removed from productive work activities. If the offender, upon his release back into society, is to perform at acceptable levels, opportunities must exist for him in the institution to be equipped with the skills which will enable him to enter and compete successfully in the job market.

For a number of years the adult corrections system in Florida has maintained an industrial training and production program for its inmates. In addition to the manufacture of motor vehicle license plates, there exists to a limited extent a number of other production lines encompassing livestock management, metal-working, masonry, furniture refinishing, keypunch, garment manufacture, and automotive repair.

Nevertheless, the growth of these industrial programs has failed to keep pace with the successive increases in inmate population in the Department of Offender Rehabilitation. At no time has more than 10% to 15% of the Department's inmates been engaged in industrial operations. Agricultural activities, long the bastion of helping the Department generate a portion of its own foodstuff requirements, has languished in recent years and become a financially losing proposition. This has persisted in spite of the Department's possession of thousands of acres of prime agricultural lands throughout Florida capable of cultivation year round.

The other craft trades have held their own but have not kept pace with the demands for such skills existing in the Florida economy. Further aggravating this situation is the very nature of the organization of the corrections industries themselves. As a trust fund, industrial activities must look internally for their financial backing, generating whatever capital requirements are needed. This restrictive position places additional strains upon the ability of the industries to maintain a firm economic footing.

The corrections industries system of the State of Texas can provide a model for the organization of Florida's operations. The Texas system represents a long-standing commitment by the state to provide real rehabilitative programs through the instilling of progressive habits of work. Inmate labor, or what Florida refers to as "force account," provides all of Texas' capital outlay construction workforce, thus allowing savings of up to two-thirds in construction costs over standard contract arrangements. Major industrial operations of the Texas system include a school bus repair facility for the local public school districts of the state, shoe manufacture, transcription of braille materials, data processing under contract to state agencies, agricultural operations to allow the institutions to be self-sustaining, tire retreading, garment manufacture, and dental laboratory work.

The combined balance sheets of the Texas industrial programs indicate that this is a multi-million dollar undertaking which enables the state to reduce the cost to the taxpayer of its adult criminal justice system. These industrial programs serve the needs of the state and its many agencies but do not market any products in the open market in competition with the private sector.

The commitment of time and resources demonstrated by Texas can stand as a model to Florida as it reexamines the philosophy and direction of its own correctional industries programs.

Staff Contact: Bob Watts

APPENDIX 5

DEPARTMENT OF OFFENDER REHABILITATION
Correctional Industries
Product Pricing General Policy
November 29, 1976

The general objective of Correctional Industries product pricing procedures is to return to Correctional Industries an equitable rate of profit that will sustain the program while still providing using agencies a product at or below market cost.

Correctional Industries produces and sells over 100 different product items to agencies, institutions and political sub-divisions throughout the state. The private market pricing structure for these varied products is not always well defined and fluctuates significantly by geographic locations, general market conditions of supply and demand, volume purchased and seasonal variations. As a result competitive pricing of products to all using agencies at all times is extremely difficult. It is all so necessary that a subjective determination be made that comparable products are being priced and because of product diversity this procedure is to some extent arbitrary. To achieve the general objective and maintain the total industries program on a self sustaining basis, specific item pricing must be flexible and at times deviate from the specific policy generally used.

Three specific pricing policies are utilized:

(A) Cost Plus

This policy is utilized for products that cannot be readily compared to like commercial market products and commercial market prices are extremely variable on a statewide basis. Two procedures utilized as a base are production cost work sheets and checks with using agencies on commercial prices. Products generally priced under this policy are bricks, janitorial products, dental prosthetics, clothing, fence posts, lumber, metal products, concrete products and uniforms.

(B) At or Below State Contract and Bid Prices

This policy is utilized to price applicable products because a readily identifiable comparable price is available and an identifiable price differential to other agencies is readily apparent. Three procedures utilized as a base are state contracts, competitive bids received by the Division of Purchasing and weekly and monthly state and federal commodity price reports. Products generally priced under this policy are meats, poultry, milk and vegetables, mattresses.

(C) Fixed Legislative Appropriation

The Legislature appropriates annually to the Department of Highway Safety and Motor Vehicles a fixed unit cost and total sum for purchase of license plates and validation stickers. Correctional Industries in turn bills the Department of Highway Safety and Motor Vehicles for all production at these rates.

To simplify pricing procedures, related management and accounting procedures, and to distribute savings to all using agencies a single price statewide, regardless of quantity, is utilized. An exception to this procedure is used in to instances, brick and concrete products, because of volume required to economically transport.

APPENDIX 5

**CRITERIA FOR ESTABLISHMENT OF
NEW CORRECTIONAL INDUSTRIES
PROGRAMS**

*as adopted by the Prison Industry Commission
and the Department of Offender Rehabilitation*

In selection of a Correctional Industries Program the following shall be considered:

- ① That the production volume of the new industry will be adequate to sustain a level of self-sufficiency that will not be detrimental to the total Correctional Work Program Trust Fund.
- ② That the new industry will provide an economic benefit to the Department of Offender Rehabilitation through effective utilization of inmates, and will reduce reliance of the Department upon external sources of supply.
- ③ That the new industry will produce a product or service that is practical and adaptable to a prison correctional setting and can be operated on a relatively efficient basis, primarily by inmates.
- ④ That the new industry will provide inmate training opportunities that are reasonably broad and which develop specific skills and will motivate inmates to use their ability while incarcerated.
- ⑤ That the new industry will produce a product or service that is needed and used by State agencies, institutions, or political subdivisions.
- ⑥ That the new industry will produce a product or service at or below commercial prices.
- ⑦ That the new industry will not present undue competition to private enterprise.
- ⑧ That the new industry will show a cost benefit analysis indicating a reasonable balance between the original cost of program establishment and return of investment to the State, through production value and economic benefit by effective use of inmates.
- ⑨ That the training programs associated with the new industry will have relevance either directly or through transferable basic skills to work skills in the private job sector.
- ⑩ That the new industry will provide useful work experience that will assist inmates in developing attitudes favorable to work.
- ⑪ That the new industry will assist in overall work program balance as to types of operations, products, and inmate training opportunities provided.

APPENDIX 5

**OBJECTIVES FOR THE PRISON
INDUSTRY COMMISSION**

- ① The Prison Industry Commission shall meet at least four times annually, or more often as necessary, in order to:
- ② Recommend the establishment and/or maintenance of industrial plants which can be operated primarily by inmates in a manner profitable to the State and beneficial in the training of inmates. (Section 5, F.S. 945.06(2))
- ③ Plan a correctional work program which provides suitable rehabilitative training and work experience for adult inmates and which will not result in undue competition with private enterprise. (Section 5, F.S. 945.06(1))
- ④ Recommend the establishment and maintenance of new correctional work programs that call for the production of goods and services that are practical and adaptable for prison industry and that are needed and used by public institutions and agencies in all governmental jurisdictions and political subdivisions. (Section 5, F.S. 945.06(2))
- ⑤ Determine which industries operate on a self-sustaining basis, and for those that do not, recommend policies aimed at achieving a financially self-sustaining basis. (Section 5, F.S. 945.06(4))
- ⑥ Conduct annual reviews of existing correctional work programs to determine if undue competition with private enterprise exists, and if it does exist, recommend the necessary adjustments to alleviate the undue competition. (Section 5, F.S. 945.06(3))
- ⑦ Work cooperatively with the Department of Offender Rehabilitation on matters pertaining to the establishment, operation, and maintenance of correctional work programs. (Section 5, F.S. 945.06(6))
- ⑧ Make an annual written report to the Governor, the Secretary of the Department of Offender Rehabilitation, and the Legislature, summarizing the status of correctional work programs and any other relevant information and recommendations for improving the establishment, operation, and maintenance of the programs. (Section 5, F.S. 945.06(5))

PRISON INDUSTRY COMMISSIONERS

Representing Florida Business:

Thomas E. Bronson, President
Florida Mining and Materials Corporation
P.O. Box 23965
Tampa, Florida 33622
(Commission Chairman 2-77 to Present)
Term: 1-12-77 to 12-15-78

John J. Huidiburg, Executive Vice-President
Florida Power and Light Company
P.O. Box 3100
Miami, Florida 33101
(Resigned 5-8-79)
Term: 12-16-76 to 12-15-80

Representing Agriculture:

Ralph Cellon, Jr.
Independent Agriculturist
P.O. Box 457
Alachua, Florida 32615
Term: 12-29-76 to 12-15-80

A. F. Mathias, General Manager
Haines City Citrus Growers Association
P.O. Box 337
Haines City, Florida 33844
Term: 12-15-76 to 12-15-79

Representing Vocational Education:

Clarice Biggins, Director of Vocational Education
Volusia County
P.O. Box 1910
Daytona Beach, Florida 32015
Term: 12-15-76 to 12-15-78

Herbert C. Beacham, Ph.D., Chairman of Industrial Education
Florida A & M University
P.O. Box 106A
Tallahassee, Florida 32307
Term: 12-20-76 to 12-15-79

Representing the Department of Corrections

Louie L. Wainwright, Secretary
Department of Corrections
1311 Winewood Boulevard
Tallahassee, Florida 32301
Term: Indefinite

Bull Kilby



May 8, 1979

The Honorable D. Robert Graham
Governor of Florida
The Capitol
Tallahassee, Florida 32304

Dear Governor Graham:

As you may know, I was appointed to the Prison Industry Commission by Governor Askew on December 16, 1976 for a term of four years.

Recently, I have changed positions within our Company and find that the increased work load precludes me from spending sufficient time to do a proper job with the Commission. Accordingly, I must reluctantly submit this as my letter of resignation as a member of the Prison Industry Commission. It has been both a pleasure and privilege for me to have performed this small service to our state.

Please consider my resignation to be effective immediately upon receipt of this letter. In the event that you wish me to serve for some short time in the future for administrative or continuity purposes, I will be happy to do so.

Very truly yours,

J. J. Hudiburg

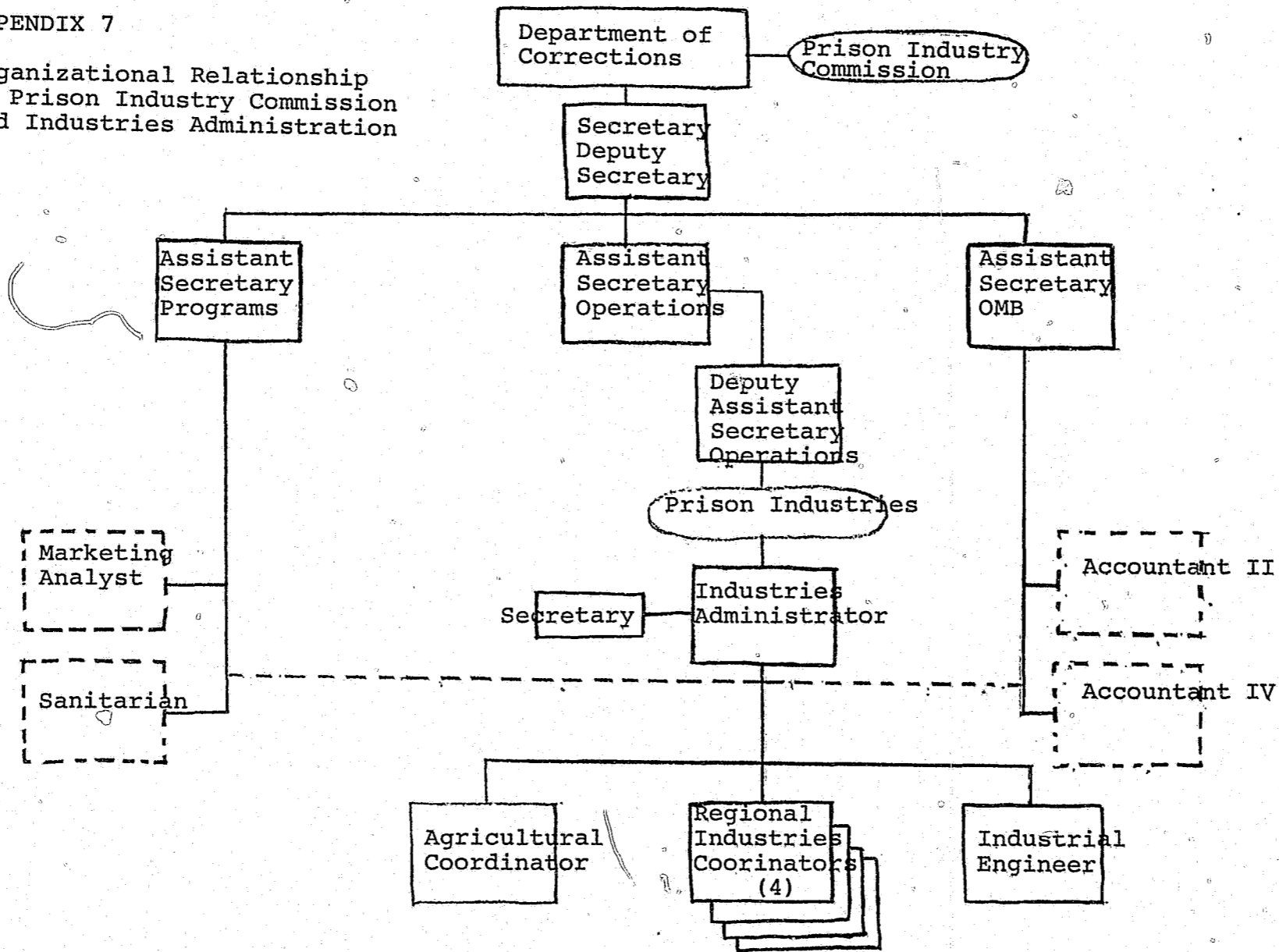
John J. Hudiburg
President

JJH:tc

cc: Mr. Thomas E. Bronson, Commission Chairman
Mr. Louie L. Wainwright, Secretary

APPENDIX 7

Organizational Relationship
Of Prison Industry Commission
And Industries Administration



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APPENDIX 7

APPENDIX 8

PRISON INDUSTRY COMMISSION MEETINGS

<u>DATE</u>	<u>LOCATION</u>
February 11, 1977	Department of Corrections Tallahassee
March 22, 1977	Department of Corrections Tallahassee
April 19, 1977	Department of Corrections Tallahassee
June 1, 1977	Department of Corrections Tallahassee
September 7, 1977	Apalachee Correctional Institution Sneads
November 2, 1977	Union Correctional Institution Raiford
January 11, 1978	Glades Correctional Institution Belle Glade
April 5, 1978	Department of Corrections Tallahassee
July 12, 1978	Florida Correctional Institution Lowell
October 11, 1978	Department of Corrections Tallahassee
February 14, 1979	Department of Corrections Tallahassee
March 18, 1980	Department of Corrections Tallahassee

1 A bill to be entitled
2 An act relating to prison industries; amending
3 s. 945.065, Florida Statutes, changing the Prison
4 Industry Commission to the Prison Industry
5 Advisory Council, correcting technical errors;
6 amending s. 945.066, Florida Statutes, providing
7 for response when the Department of Corrections
8 does not accept a recommendation of the Council;
9 reviving and readopting s. 945.065, Florida
10 Statutes, repealing s. 945.065, Florida Statutes,
11 effective October 1, 1987; providing an effective
12 date.
13
14 Be It Enacted by the Legislature of the State of Florida:
15
16 Section 1. Section 945.065, Florida Statutes, is
17 amended to read:
18 945.065 Prison Industry Advisory Council Commission;
19 creation; membership; meetings; compensation.--
20 (1) There is created to assist within the Department
21 of Corrections in the operation of prison industries the
22 Prison Industry Advisory Council Commission composed of
23 eight members ~~commissioners~~.
24 (a) Seven members ~~commissioners~~ shall be appointed by
25 the Governor and confirmed by the Senate. Two of such
26 the members ~~commissioners~~ shall be representatives of
27 Florida-based business enterprises; two shall be representa-
28 tives of agricultural enterprises; two shall be representa-
29 tive of organized labor; and one shall be knowledgeable in
30 the field of vocational training.
31 (b) One member ~~commissioner~~ shall be the Secretary of

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

1 Corrections.

2 (2) All members of the Prison Industry Advisory
3 Council Commission shall serve for 4-year terms, except that
4 the Secretary of Corrections shall be a member of the
5 Prison Industry Advisory Council Commission so long as he
6 shall hold the office of secretary remain-in-that-position.

7 The terms of the initial members of the Prison Industry
8 Advisory Council Commission appointed in 1981 shall be as
9 follows: two of the members commissioners appointed by the
10 Governor shall have terms of 2 years, two shall have terms
11 of 3 years, and three ~~two~~ shall have terms of 4 years.
12 Members commissioners may be reappointed. When a vacancy
13 occurs on the Prison Industry Advisory Council, the Governor
14 shall appoint a person who represents the same field as the
15 departing member, for the remainder of that term. Vacancies
16 shall be filled by appointment for the remainder of the
17 term by the occupant of the office from which the appointment
18 to the vacant seat was originally made.

19 (3) As soon as practicable after appointment, and
20 annually thereafter, the members of the Prison Industry
21 Advisory Council Commission shall hold an organizational
22 meeting and elect a chairman and such other officers as the
23 Prison Industry Advisory Council Commission deems necessary;
24 however, the Secretary of Corrections shall not be elected
25 to any office. Officers shall serve for 1 year and may be
26 reelected.

27 (4) The Prison Industry Advisory Council Commission
28 shall meet a minimum of four times each year and the
29 organizational meeting may count toward the fulfillment of
30 this requirement. The Council may also hold additional
31 meetings at the call of the chairman, provided each member

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1 is given at least 3 days notice of such meeting. A majority
2 of the members shall constitute a quorum for the transaction
3 of business at any meeting. Action may be taken by a majority
4 of the members present at a meeting where a quorum is present.

5 (5) Members commissioners shall receive no compensation,
6 but shall receive travel expenses and per diem in accordance
7 with s. 112.061, payable from the Correctional Work Program
8 Trust Fund.

9 Section 2. Section 945.066, Florida Statutes, is amended
10 to read:

11 (1) The Prison Industry Advisory Council Commission
12 shall:

13 (a) Plan an industrial and agricultural correctional
14 work program which provides suitable training and work
15 experience to assist in the rehabilitation and training of
16 persons confined to adult correctional institutions and
17 which will not result in undue competition with private
18 enterprise.

19 (b) Recommend the establishment and maintenance of
20 industrial plants which can be operated primarily by inmates
21 in a manner profitable to the state and beneficial in the
22 training of inmates through the manufacture, processing, or
23 producing of such items as are practical and adaptable for
24 prison industry and are needed and used by state institutions
25 and agencies; counties, municipalities, school districts, or
26 other political subdivisions; any federal agency or institu-
27 tion; or any agency, institution, or political subdivision
28 of another state.

29 (c) Review the operation of prison industrial and
30 agricultural correctional-work programs annually, to determine
31 if undue competition with private enterprise exists, and

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1 recommend adjustments necessary to prevent undue competition.

2 (d) Determine which existing industries are operated on
3 a self-sustaining basis and recommend policies which would
4 assist in achieving a financially self-sustaining basis for
5 all prison industry work programs.

6 (e) Provide an annual report to the Governor, ~~the~~
7 ~~secretary of the department,~~ and the Legislature prior to
8 October 1 of each year summarizing the status of the prison
9 industry correctional-work program. The report may also
10 include any other relevant information and recommendations
11 for changes in any other area of offender rehabilitation
12 which would aid in the establishment or success of a prison
13 industry correctional-work program.

14 (2) The department ~~shall be authorized~~ to implement
15 an industrial and agricultural correctional-work program,
16 taking into consideration the recommendations of the Prison
17 Industry Advisory Council ~~Commission, including recommenda-~~
18 ~~tions for providing gain-time credits for those inmates who~~
19 ~~participate in the correctional-work program.~~ Should the
20 department find that it is not feasible to implement a
21 recommendation of the Prison Industry Advisory Council, it
22 shall notify the council in writing, with the reasons the
23 recommendation will not be implemented. The department shall
24 work with the Prison Industry Advisory Council Commission,
25 shall be responsible for the administration of the correc-
26 tional work program, including prison industries, and shall
27 provide the Prison Industry Advisory Council Commission
28 with staff assistance to carry out the provisions of this
29 act.

30 Section 3. Notwithstanding the provisions of the
31 Sundown Act, s. 945.065, Florida Statutes, shall not stand

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1 repealed on October 1, 1981, as scheduled by such act, but
2 s. 945.065, Florida Statutes, as amended, is hereby revived
3 and readopted.

4 Section 4. Section 945.065, Florida Statutes, is
5 repealed on October 1, 1987 and shall be reviewed by the
6 Legislature pursuant to the Sundown Act.

7 Section 5. This act shall take effect July 1, 1981.
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DPLICATED BY
OFFICE OF THE SECRETARY OF THE SENATE
STATE OF FLORIDA

END