

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SSC 07-06 Department of Corrections
SPONSOR(S): Safety & Security Council
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Safety & Security Council		Cunningham	Havlicak
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Currently, vehicles owned, operated, or leased by the Department of Corrections are authorized to show or display blue lights when responding to emergencies. Department vehicles are *not* currently authorized to operate sirens. This bill adds Department vehicles to the definition of "authorized emergency vehicles" contained in s. 316.003, F.S., and authorizes them to operate lights *and sirens* in an emergency.

The Department operates the Employee Benefit Trust Fund whose funding is derived primarily from the proceeds of vending machines not intended for use by inmates. The statutory purpose of the trust fund is to construct, operate, and maintain training and recreation facilities for the exclusive use of department employees. The bill clarifies that proceeds from the employee canteen and from the recycling program can be a source for funding the trust fund, and expands permissible uses of the fund to include employee appreciation programs and activities. It also provides for centralized oversight and reporting of each institution's fund.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill authorizes the Department of Corrections to adopt rules relating to the Employee Benefit Trust Fund.

B. EFFECT OF PROPOSED CHANGES:

Authorization to Use Sirens

Currently, vehicles owned, operated, or leased by the Department of Corrections (Department) are authorized to show or display blue lights when responding to emergencies.¹ Department vehicles are *not* currently authorized to operate sirens.

In their analysis of this bill, the Department stated that blue lights are currently installed on canine vehicles and inmate transport vehicles, which are often used as chase vehicles to follow emergency medical services (EMS) vehicles that transport inmates to hospitals. The Department stated that without sirens, the public is not often aware that a Department vehicle is chasing an EMS vehicle, and that the vehicle often gets stuck in traffic. The Department stated that authorizing such vehicles to have sirens would better alert the public to the Department's response in an emergency situation.

This bill adds Department vehicles to the definition of "authorized emergency vehicles" contained in s. 316.003, F.S. Drivers of authorized emergency vehicles are permitted to exceed speed limits and to disregard traffic control devices and other traffic laws when responding to an emergency as long as due regard is given to safety.² Also, drivers of other vehicles are required to yield the right-of-way and pull over to the side of the road when an authorized emergency vehicle is giving an audible or visual signal that it is on emergency business.³

Inclusion as an authorized emergency vehicle does not automatically confer authority to operate a siren. Therefore, the bill also amends s. 316.2397, F.S., to permit DOC to designate or authorize vehicles to use a siren in an emergency.

Employee Benefit trust Funds

The department operates an Employee Benefit Trust Fund that is authorized by s. 945.215(3), F.S., and established by s. 945.21501, F.S. The Fund's purpose is to construct, operate, and maintain training and recreation facilities at correctional facilities for the exclusive use of department employees. The statutorily-authorized revenue sources are proceeds from vending machines and other such services not intended for use by inmates and donations not made by or on behalf of an individual inmate. The department reports the following approximate annual income to the Trust Fund:

Net proceeds from staff vending and staff canteen	\$1,100,000
Net proceeds from recycling	\$50,000
Proceeds from shoe shine/staff barber	<u>\$20,000</u>
	\$1,170,000

Proceeds from recycling are first deposited into the General Revenue Fund to pay the costs of the recycling program. After costs are paid, the net proceeds are transferred into the Employee Benefit Trust Fund to provide an incentive for participation in the program.

¹ s. 316.2397(2), F.S.

² See ss. 316.072(5) and 316.074, F.S.

³ See s. 316.126, F.S.

This bill specifies that trust fund sources may be derived from staff canteens and net proceeds of the recycling program. The bill also prohibits trust fund sources from being derived from donations made by vendors or prospective vendors.

The bill specifies that one of the purposes of the trust fund is to provide funding for employee appreciation programs and activities designed to enhance the morale of employees, and authorizes the trust's funds to be used for such purposes.

Additionally, the bill requires that the trust fund be established as a separate and distinct set of accounts which must be maintained centrally by the Department, overseen by the secretary of the Department, and subject to annual audit by the Department's inspector general. The bill requires the Department to maintain sufficient data to provide an annual report, upon request, to the President of the Senate, Speaker of the House of Representatives, and the Governor's Office, which lists the types of services provided using trust fund moneys and the allocation of funds spent. The bill further requires the Department to establish rules.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.003, F.S., including vehicles operated by the Department within the definition of "authorized emergency vehicles."

Section 2. Amends s. 316.2397, F.S., authorizing Department vehicles to use lights and sirens in an emergency.

Section 3. Amends s. 945.215, F.S., authorizing additional revenue sources for the trust fund; authorizing the trust's funds to be used for additional purposes; providing for oversight and an annual audit; requiring an annual report; requiring the Department to adopt rules.

Section 4. Amends s. 945.21501, F.S., expanding the purpose of the trust fund.

Section 5. This bill takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The department estimates that it would incur a one-time expense of \$35,070 to purchase and install sirens in 167 authorized emergency vehicles. It also projects a cost of \$71,500 for 550 security staff personnel to receive specialized training in emergency vehicle operations.

It does not appear that the amendments to the trust fund would have a fiscal impact based upon the department's current practice.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill provides requires the Department, pursuant to ss. 120.536(1) and 120.54, F.S., to adopt rules regarding the purposes of the Employee Benefit Trust Fund, how trust fund sources may be derived, how the trust's funds may be used, how accounts of the trust fund will be established and overseen, and the Department's responsibility to maintain certain trust fund data for purposes of annual reports. The bill appears to give sufficient rule making authority that is appropriately limited.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

Not applicable.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES