

1 A bill to be entitled
2 An act relating to correctional work programs;
3 amending s. 212.08, F.S., relating to specified
4 exemptions from retail sale, rental, use,
5 consumption, distribution, and storage taxes;
6 providing an exemption for products sold by the
7 corporation authorized to operate correctional
8 work programs; providing for applicability of
9 the exemption retroactive to July 1, 1983;
10 amending s. 946.503, F.S.; redefining
11 "facilities" with respect to correctional work
12 programs; amending s. 946.504, F.S., relating
13 to lease of facilities by the Department of
14 Corrections to corporation authorized to
15 operate correctional work programs, to conform;
16 amending s. 946.505, F.S., relating to
17 reversion of property to the department upon
18 dissolution of corporation or termination of
19 lease, and reenacting s. 946.509(1), F.S.,
20 relating to insurance of property leased or
21 acquired by the corporation, to incorporate
22 said amendment in a reference; providing for
23 reversion of certain facilities subsequently
24 constructed or otherwise acquired after the
25 original lease; amending s. 946.511, F.S.;
26 revising objectives and priorities for
27 assignment of inmates to programs to specify
28 priority with respect to essential operational
29 functions and "revenue-generating contracts,"
30 as defined; amending s. 946.512, F.S., relating
31 to inmate compensation plan, and reenacting s.

1 946.513(1), F.S., relating to disposition of
2 compensation received for private employment of
3 inmates, to incorporate said amendment in a
4 reference; providing for certain payments to
5 the Correctional Work Program Trust Fund in
6 lieu of the Grants and Donations Trust Fund;
7 removing provision for annual appropriation;
8 amending s. 946.515, F.S., and reenacting s.
9 946.518, F.S., relating to prohibitions on sale
10 of goods by prisoners, to incorporate said
11 amendment in a reference; permitting the
12 furnishing or sale of services or items
13 produced by the corporation when not otherwise
14 prohibited by law; creating s. 946.520, F.S.;
15 providing for assignment of certain inmates to
16 specified work programs; requiring the
17 department to assign a certain percentage of
18 specified inmates collectively to the specified
19 work programs; providing an exclusion to the
20 percentage requirement for certain
21 institutions; prohibiting the department from
22 removing inmates from specified work
23 assignments except under certain circumstances;
24 repealing s. 945.04(4) & (5), F.S., relating to
25 certain requirements for assignments of inmates
26 within a specified period of their release
27 dates, and report by the department thereon;
28 repealing s. 946.009, F.S., relating to
29 operational guidelines for correctional work
30 programs; providing an effective date.
31

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

2

3 Section 1. Paragraph (nn) is added to subsection (7)
4 of section 212.08, Florida Statutes, to read:

5 212.08 Sales, rental, use, consumption, distribution,
6 and storage tax; specified exemptions.--The sale at retail,
7 the rental, the use, the consumption, the distribution, and
8 the storage to be used or consumed in this state of the
9 following are hereby specifically exempt from the tax imposed
10 by this part.

11 (7) MISCELLANEOUS EXEMPTIONS.--

12 (nn) Nonprofit corporation conducting the correctional
13 work programs.--Products sold pursuant to s. 946.515 by the
14 corporation organized pursuant to part II of chapter 946 are
15 exempt from the tax imposed by this chapter. This exemption
16 applies retroactively to July 1, 1983.

17 Section 2. Subsection (4) of section 946.503, Florida
18 Statutes, 1996 Supplement, is amended to read:

19 946.503 Definitions to be used with respect to
20 correctional work programs.--As used in ss. 946.502-946.518,
21 the term:

22 (4) "Facilities" means the buildings and, ~~land,~~
23 ~~equipment, and other chattels~~ used in the operation of an
24 industry program on state property.

25 Section 3. Subsection (1) of section 946.504, Florida
26 Statutes, 1996 Supplement, is amended to read:

27 946.504 Organization of corporation to operate
28 correctional work programs; lease of facilities.--

29 (1) The department shall lease ~~the buildings and~~
30 ~~land, furnishings, equipment, and other chattels used in the~~
31 ~~operation of each correctional work program operated by the~~

1 ~~department to the~~ a nonprofit corporation authorized to
2 operate the correctional work programs, the members of which
3 are appointed by the Governor and confirmed by the Senate.
4 The same appointment process shall be followed to fill any
5 vacancy. The corporation shall be organized pursuant to
6 chapter 617 and shall possess all the powers granted by that
7 chapter.

8 Section 4. Subsection (1) of section 946.505, Florida
9 Statutes, is amended to read:

10 946.505 Reversion upon dissolution of corporation or
11 termination of lease.--

12 (1) In the event the corporation is dissolved or its
13 lease of any correctional work program expires or is otherwise
14 terminated, all property relating to such correctional work
15 program which ceases to function because of such termination
16 or dissolution, including all ~~funds~~, buildings, land,
17 furnishings, equipment, and other chattels originally leased
18 from the department, as well as any subsequently constructed
19 ~~purchased~~ or otherwise acquired facilities ~~by the corporation~~
20 in connection with its continued operation of that program,
21 automatically reverts to full ownership by the department
22 unless the corporation intends to utilize such property in
23 another correctional work program. Such a reversionary
24 ownership interest of the state in any and all such
25 after-acquired facilities ~~property~~ by the corporation is in
26 furtherance of the goals established in s. 946.502(4), and
27 such a present ownership interest by the state is a continuing
28 and insurable state interest.

29 (2) Notwithstanding any provision of subsection (1),
30 the ownership of any permanent enhancements made to facilities
31 or work programs is vested in the department.

1 Section 5. For the purpose of incorporating the
2 amendment to section 946.505(1), Florida Statutes, in a
3 reference thereto, subsection (1) of section 946.509, Florida
4 Statutes, is reenacted to read:

5 946.509 Insurance of property leased or acquired by
6 the corporation.--

7 (1) The State Property Insurance Trust Fund created
8 under s. 284.01 shall insure all property eligible for
9 coverage under part I of chapter 284 which is leased by the
10 department to the corporation or which is subsequently
11 acquired and owned by the corporation and subject to the
12 reversionary ownership interest of the state established in s.
13 946.505.

14 Section 6. Subsection (1) of section 946.511, Florida
15 Statutes, is amended to read:

16 946.511 Provision of inmate labor to operate
17 correctional work programs; policies and procedures.--

18 (1) Inmates shall be evaluated and identified during
19 the reception process to determine basic literacy, employment
20 skills, academic skills, vocational skills, and remedial and
21 rehabilitative needs. The evaluation shall prescribe
22 education, work, and work-training for each inmate. Assignment
23 to programs shall be based on the evaluation and the length of
24 time the inmate will be in the custody of the department.
25 Assignment to programs shall be reviewed every 6 months to
26 ensure proper placement based on bed space availability.
27 ~~Assignment of inmates to correctional work programs,~~
28 ~~institutional labor, and public agency work programs~~ shall be
29 governed by the following objectives and priorities:

30 (a) Inmates shall be assigned to meet the needs of the
31 work requirements of the Department of Corrections, including

1 essential operational functions and revenue-generating
2 ~~existing Department of Transportation~~ contracts.

3 (b) Inmates shall be assigned to correctional
4 education and the corporation operating the correctional
5 industry program.

6 (c) Inmates shall be assigned to meet all other work
7 requirements of the department, including remaining
8 operational functions and nonrevenue-generating contracts
9 ~~public works~~.

10
11 As used in this subsection, the term "revenue-generating
12 contracts" includes contracts with the Department of
13 Transportation, the corporation authorized to conduct the
14 correctional work programs under part II, private sector
15 businesses operating programs authorized under s. 946.006(3),
16 and federal, state, or local governmental entities or
17 subdivisions authorized under s. 944.10(7).

18 Section 7. Section 946.512, Florida Statutes, is
19 amended to read:

20 946.512 Inmate compensation plan.--The corporation
21 shall establish a compensation plan which provides for a
22 specific amount to be paid to the department to be credited to
23 an account for an inmate performing labor and a portion shall
24 be used to make any court-ordered payments, including
25 restitution to the victim, and a specific amount to be paid to
26 the department's Correctional Work Program Trust Fund to be
27 used as provided in s. 946.32 ~~Grants and Donations Trust Fund~~.
28 Such funds, excluding victim restitution payments,
29 court-ordered payments, and the amount credited to the account
30 of the inmate, shall be deposited in the department's
31 Correctional Work Program Trust Fund to be used as provided in

1 ~~s. 946.32 Grants and Donations Trust Fund. The funds shall be~~
2 ~~appropriated annually.~~

3 Section 8. For the purpose of incorporating the
4 amendment to section 946.512, Florida Statutes, in a reference
5 thereto, subsection (1) of section 946.513, Florida Statutes,
6 is reenacted to read:

7 946.513 Private employment of inmates; disposition of
8 compensation received.--

9 (1) Notwithstanding the provisions of any other law,
10 an inmate may be employed by the corporation or by any other
11 private entity operating on the grounds of a correctional
12 institution prior to the last 24 months of his confinement.
13 Compensation received for such employment shall be credited by
14 the department to an account for the inmate and shall be used
15 to make any court-ordered payments, including restitution to
16 the victim. The department rules shall provide that a portion
17 of such compensation be credited by the department in the
18 manner provided in s. 946.512.

19 Section 9. Subsection (1) of section 946.515, Florida
20 Statutes, 1996 Supplement, is amended to read:

21 946.515 Use of goods and services produced in
22 correctional work programs.--

23 (1) Any service or item manufactured, processed,
24 grown, or produced by the corporation in a correctional work
25 program may be furnished or sold to any legislative,
26 executive, or judicial agency of the state, any political
27 subdivision, any other state, any foreign entity or agent
28 thereof, any agency of the Federal Government, to any contract
29 vendor for such agencies or any subcontractor of the contract
30 vendor, or to any person, firm, or business entity if not
31 prohibited ~~authorized~~ by federal law.

1 Section 10. For the purpose of incorporating the
2 amendment to section 946.515(1), Florida Statutes, 1996
3 Supplement, in a reference thereto, section 946.518, Florida
4 Statutes, 1996 Supplement, is reenacted to read:

5 946.518 Sale of goods made by prisoners; when
6 prohibited, when permitted.--Goods, wares, or merchandise
7 manufactured or mined in whole or in part by prisoners (except
8 prisoners on parole or probation) may not be sold or offered
9 for sale in this state by any person or by any federal
10 authority or state or political subdivision thereof; however,
11 this section and s. 946.21 do not forbid the sale, exchange,
12 or disposition of such goods within the limitations set forth
13 in s. 946.006(3), s. 946.515, or s. 946.519.

14 Section 11. Section 946.520, Florida Statutes, is
15 created to read:

16 946.520 Assignment of Inmates by Department of
17 Corrections.--

18 (1) The Department shall exert its best efforts to
19 assign inmates to the corporation, or the private sector
20 business authorized under part I of Chapter 946, who have not
21 less than one nor more than five years remaining before their
22 tentative release dates. Beginning January 1, 1998, the
23 department shall maintain the assignment of at least 60
24 percent of inmates to all correctional work programs
25 collectively to the corporation, or to the private-sector
26 business authorized under part I of chapter 946, who have less
27 than 10 years remaining before their tentative release dates.
28 This 60-percent requirement does not apply to any correctional
29 work program, or private-sector business authorized under part
30 I of chapter 946, within an institution for any year in which,
31 as of January 1 of that year, the average years remaining

1 before the tentative release date of all inmates assigned to
2 that institution exceeds 12 years.

3 (2) The department may not remove an inmate once
4 assigned to the corporation or to the private sector business
5 authorized under part I of chapter 946, except upon request of
6 or consent of such corporation or private sector business or
7 for the purposes of population management, for inmate conduct
8 that may subject the inmate to disciplinary confinement or
9 loss of gain-time, or for security and safety concerns
10 specifically set forth in writing to the corporation or
11 private sector business.

12 Section 12. Subsection (4) and (5) of section 945.04,
13 Florida Statutes, as created by chapter 95-283, Laws of
14 Florida, is hereby repealed.

15 Section 13. Section 946.009, Florida Statutes, 1996
16 Supplement, as amended by chapters 95-235 and 96-278, Laws of
17 Florida, is hereby repealed.

18 Section 14. This act shall take effect upon becoming a
19 law.