

By the Committee on Corrections and Representative
Trovillion

1 A bill to be entitled
2 An act relating to correctional work programs;
3 creating s. 946.015, F.S.; providing
4 definitions; amending s. 946.002, F.S.;
5 deleting provision requiring prisoners not
6 participating in work, academic, or vocational
7 programs to perform work for political
8 subdivisions of the state; requiring the
9 department to maximize the use of inmate labor
10 in construction and maintenance projects;
11 conforming the name of the Inmate Welfare Trust
12 Fund; exempting inmates in certain work
13 programs from the prohibition against workers'
14 compensation coverage; providing that inmates
15 are ineligible for unemployment compensation;
16 replacing the term "prisoner" with "inmate";
17 amending s. 946.006, F.S.; conforming
18 terminology; providing references to prison
19 industry programs; requiring the department to
20 establish guidelines for correctional work
21 programs; amending s. 946.008, F.S.; revising
22 guidelines relating to financing of
23 correctional work programs; amending s. 946.21,
24 F.S.; redefining the offense of unlawful sale
25 of goods made by inmates, and providing
26 penalties therefor; amending s. 946.518, F.S.;
27 prohibiting the sale of goods, wares, or
28 merchandise manufactured or mined by inmates;
29 providing exceptions to such prohibition;
30 conforming terminology; amending s. 946.519,
31 F.S.; providing for the use of goods and

1 services produced in correctional work
2 programs; amending s. 946.25, F.S., relating to
3 sale of hobbycrafts by inmates; conforming
4 terminology; amending s. 946.31, F.S.;
5 providing a cross reference with respect to use
6 of the Correctional Work Program Trust Fund;
7 amending s. 946.32, F.S.; specifying the uses
8 of Correctional Work Program Trust Fund moneys;
9 providing for the use of inmate labor in
10 construction of facilities; amending s. 946.33,
11 F.S.; providing for disbursement of funds
12 credited to the Correctional Work Program Trust
13 Fund; amending s. 946.40, F.S.; deleting
14 provision prohibiting political subdivisions of
15 the state from being required to reimburse the
16 department for inmate services; deleting
17 provision requiring that ten dollars of the
18 supervision fees of certain offenders be
19 deposited into the General Revenue Fund and
20 paid to the department for use in inmate work
21 programs; amending s. 946.502, F.S.; conforming
22 cross references; amending s. 946.503, F.S.;
23 revising definitions; amending s. 946.504,
24 F.S., requiring the corporation to establish
25 policies and procedures for use of inmates in
26 correctional work programs; amending s.
27 946.506, F.S., to conform; amending s. 946.509,
28 F.S.; providing for the renaming of the Florida
29 Fire Insurance Trust Fund; amending s. 946.511,
30 F.S., and redesignating said section as part
31 III of chapter 946, F.S.; deleting provisions

1 requiring the corporation to establish policies
2 and procedures for use of inmates in its
3 correctional work programs; deleting obsolete
4 language; providing for the assignment of
5 inmates to correctional work programs;
6 providing for certain objectives and priorities
7 involving such assignment; providing that
8 inmates assigned to certain work programs
9 cannot be removed except under certain
10 circumstances; amending s. 946.513, F.S.;
11 deleting provision relating to private
12 employment of inmates and disposition of
13 compensation received as a result of such
14 private employment; deleting certain references
15 to unemployment compensation ineligibility;
16 amending s. 946.514, F.S.; prohibiting inmates
17 from obtaining workers' compensation benefits,
18 with certain exceptions; conforming cross
19 references; amending s. 946.515, F.S.; deleting
20 a cross reference, to conform; amending s.
21 945.04, F.S., to conform; amending s. 958.12,
22 F.S., to conform; repealing s. 946.0061, F.S.,
23 relating to application of workers'
24 compensation benefits in correctional work
25 programs; repealing s. 946.007, F.S., relating
26 to correctional work program objectives;
27 repealing s. 946.009, F.S., relating to
28 operational guidelines for correctional work
29 programs; directing the Division of Statutory
30 Revision to retitle parts I and II of chapter
31 946, F.S.; providing an effective date.

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

2

3 Section 1. Section 946.015, Florida Statutes, is
4 created to read:

5 946.015 Definitions.--As used in part I of this
6 chapter, the term:

7 (1) "Department" means the Department of Corrections.

8 (2) "Inmate" means any person committed to the custody
9 of the Department of Corrections and incarcerated within any
10 state correctional facility.

11 Section 2. Section 946.002, Florida Statutes, 1996
12 Supplement, is amended to read:

13 946.002 Requirement of labor; rules; compensation;
14 amount; crediting of account of inmate ~~prisoner~~; forfeiture;
15 civil rights; inmate ~~prisoner~~ not employee or entitled to
16 workers' compensation or unemployment compensation insurance
17 benefits.--

18 (1)(a) The department shall require of every inmate
19 ~~able-bodied prisoner~~ imprisoned in any institution as many
20 hours of faithful labor in each day and every day during the
21 inmate's ~~his~~ term of imprisonment as shall be prescribed by
22 the rules of the department. ~~Every able-bodied prisoner~~
23 ~~classified as medium custody or minimum custody who does not~~
24 ~~satisfactorily participate in any institutional work,~~
25 ~~academic, or vocational programs shall be required to perform~~
26 ~~work for such political subdivisions of the state as might~~
27 ~~have entered into agreement with the department pursuant to s.~~
28 ~~946.40.~~

29 (b) The department shall have as a continuous goal the
30 reduction of inmate idleness in the prison system and shall
31 incorporate this goal and that of maximizing the use of

1 inmates while incarcerated in its strategic plan. A goal of
2 the department shall be for all inmates, except those inmates
3 who pose a serious security risk or who are otherwise
4 unavailable or unable to work, to work at least 40 hours a
5 week. Until this goal can be accomplished, the department
6 shall maximize the utilization of inmates within existing
7 resources.

8 (c) The department shall maximize the use of inmate
9 labor in the construction of inmate housing and the conduct of
10 all maintenance projects so that such activities provide work
11 opportunities for the optimum number of inmates in the most
12 cost-effective manner.

13 (2)(a) Each inmate ~~prisoner~~ who is engaged in
14 productive work in any state correctional institution,
15 program, or facility under the jurisdiction of the department
16 may receive for work performed such compensation as the
17 department shall determine. Such compensation shall be in
18 accordance with a schedule based on quality and quantity of
19 work performed and skill required for performance, and said
20 compensation shall be credited to the account of the inmate
21 ~~prisoner~~ or the inmate's ~~prisoner's~~ family.

22 (b) Any monetary payments made directly to the inmate
23 ~~prisoner~~ shall be used in whole or in part to satisfy
24 restitution ordered by a court of competent jurisdiction to
25 the victim of the criminal act.

26 (c) It shall be the policy of the department to
27 require inmates receiving compensation for work performed in
28 community programs to reimburse the state for lodging, food,
29 transportation, and other expenses incurred for sustaining the
30 inmate. Reimbursement shall be according to rules promulgated
31 by the department, which shall provide that the inmate retain

1 only a minimal amount of money for personal items and shall
2 take into consideration compensation that may be allocated for
3 the support of the inmate's family and for restitution for the
4 victim of the crime committed.

5 (3) Said compensation shall be paid from the
6 Department of Corrections Correctional Work Program Trust
7 Fund. Whenever any price is fixed on any article, material,
8 supply, or service, to be produced, manufactured, supplied, or
9 performed in connection with the work program of the
10 department, the compensation paid to the inmates ~~prisoners~~
11 shall be included as an item of cost in the final price.

12 (4)(a) When any inmate ~~prisoner shall~~ willfully
13 violates ~~violate~~ the terms of his employment or the rules and
14 regulations of the department, the department may in its
15 discretion determine what portion of the inmate's earnings ~~all~~
16 ~~moneys earned by the prisoner~~ shall be forfeited, ~~by said~~
17 ~~prisoner~~ and such forfeiture shall be redeposited to the
18 Department of Corrections Correctional Work Program Trust
19 Fund.

20 (b) When any inmate ~~prisoner~~ escapes, the department
21 shall determine what portion of the inmate's ~~his~~ earnings
22 shall be forfeited, and such forfeiture shall be deposited in
23 the State Treasury in the Inmate Welfare Trust Fund of the
24 department.

25 (5) Nothing in this section is intended to restore, in
26 whole or in part, the civil rights of any inmate ~~prisoner~~. No
27 inmate ~~prisoner~~ compensated under this section shall be
28 considered as an employee of the state or the department, nor
29 shall such inmate ~~prisoner~~ come within any other provision of
30 the Workers' Compensation Act, except to the extent that

31

1 workers' compensation coverage is required under s.
2 946.006(3).

3 (6) No inmate is eligible for unemployment
4 compensation when employment is part of a correctional work
5 program authorized under this part or work-release program of
6 the department.

7 Section 3. Section 946.006, Florida Statutes, 1996
8 Supplement, is amended to read:

9 946.006 Correctional work programs.--

10 (1) The department ~~of Corrections~~ shall adopt and put
11 into effect an agricultural and industrial production and
12 marketing program to provide training facilities for inmates
13 ~~persons confined in the adult correctional institutions under~~
14 ~~the control and supervision of the department.~~ The emphasis
15 of this program shall be to:

16 (a) Provide inmates with useful work experience, on a
17 full-time basis when feasible., ~~and~~

18 (b) Provide appropriate job skills that will
19 facilitate their reentry into society. ~~and~~

20 (c) Provide an economic benefit to the public and the
21 department through effective utilization of inmates.

22 (2) The department is authorized to cause to be
23 manufactured, processed, or produced by ~~the inmates of the~~
24 ~~adult correctional institutions under the control and~~
25 ~~supervision of the department~~ such items as are practical and
26 adaptable for prison industry and are needed and used in state
27 institutions and agencies and in other governmental
28 jurisdictions of the state. The department shall give
29 priority to the implementation of those activities and
30 services that will directly assist in reducing the reliance of
31 the department upon external sources of supply in the areas of

1 agriculture, animal husbandry, and the allied craft trades
2 that are capable of producing a fiscal benefit to the state
3 and which will facilitate self-sufficiency for the inmate, the
4 department, and other units of government.

5 (3) The department is authorized to contract with the
6 private sector for substantial involvement in a prison
7 industry program which includes the operation of a direct
8 private sector business within a prison and the hiring of
9 inmate workers. The corporation acting on behalf of the state
10 to operate prison industries established pursuant to part II
11 is also authorized to contract with the private sector for
12 substantial involvement in a prison industry program pursuant
13 to this act, if said contract is approved by the department.
14 Any contract authorized by this subsection shall be in
15 compliance with federal law and shall not result in the
16 significant displacement of employed workers in the community.
17 The purposes and objectives of this program shall be to:

18 (a) Increase benefits to the general public by
19 reimbursement to the state for a portion of the costs of
20 incarceration.

21 (b) Provide purposeful work for inmates as a means of
22 reducing tensions caused by overcrowding.

23 (c) Increase job skills.

24 (d) Provide additional opportunities for
25 rehabilitation of inmates who are otherwise ineligible to work
26 outside the prisons, such as maximum security inmates.

27 (e) Develop and establish new models for prison-based
28 businesses which create jobs approximating conditions of
29 private sector employment.

30 (f) Draw upon the economic base of operations for
31 disposition to the Crimes Compensation Trust Fund.

1 (g) Substantially involve the private sector with its
2 capital, management skills, and expertise in the design,
3 development, and operation of businesses.

4 (h) Provide the financial basis for an inmate to
5 contribute to the support of his family.

6 (i) Provide for the payment of state and federal taxes
7 on an inmate's wages, which are paid at the rate of the
8 prevailing or minimum wage rate.

9 (j) Provide savings for the inmate to have available
10 for his use upon his eventual release from prison.

11 (4) Notwithstanding any other law to the contrary,
12 including s. 440.15(9), private sector employers shall provide
13 inmates participating in prison industry ~~correctional work~~
14 programs under subsection (3) with workers' compensation
15 coverage, and inmates shall be entitled to the benefits of
16 such coverage. Nothing in this subsection shall be construed
17 to allow inmates to participate in unemployment compensation
18 benefits.

19 (5) The department shall consult with the Florida
20 Corrections Commission regarding its policies and procedures
21 for the development and implementation of the programs
22 authorized under subsection (3) ~~this section~~. Upon the
23 request of the department, the commission may provide
24 recommendations to the department regarding proposals from
25 companies interested in participating in prison industry
26 ~~correctional work~~ programs.

27 (6) The department shall establish guidelines for the
28 operation of correctional work programs, including prison
29 industry programs, authorized under this section.

30 Section 4. Section 946.008, Florida Statutes, 1996
31 Supplement, is amended to read:

1 946.008 Financing of correctional work programs.--

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

10 ~~(2) Except as otherwise provided by law, funds~~
11 ~~appropriated to the Correctional Work Program Trust Fund shall~~
12 ~~be utilized for the purpose of renovation of, addition to, or~~
13 ~~construction of facilities or implementation of correctional~~
14 ~~work programs, including academic or vocational training~~
15 ~~designed to meet the needs of the selected industry programs~~
16 ~~at the various correctional institutions as authorized~~
17 ~~pursuant to s. 946.006. Such renovation, addition, or~~
18 ~~construction shall utilize inmate labor.~~

19 (2)(3) A one-time sum of \$500,000 shall be
20 appropriated from the Inmate Welfare Trust Fund to the
21 Correctional Work Program Trust Fund in fiscal year 1996-1997
22 to fund prison industry programs authorized under s.
23 946.006(3)~~the provisions of this section.~~ This sum shall be
24 repaid by the department when the unencumbered balance in the
25 Correctional Work Program Trust Fund equals \$750,000 or more.

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

29 Section 5. Section 946.21, Florida Statutes, is
30 amended, and section 946.518, Florida Statutes, 1996

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1 Supplement, is renumbered as subsection (1) of section 946.21,
2 Florida Statutes, to read:

3 946.21 Sale of goods made by inmates; when prohibited;
4 when permitted; penalty ~~Penalty for selling goods made by~~
5 ~~prisoners.--~~

6 ~~946.518 Sale of goods made by prisoners; when~~
7 ~~prohibited, when permitted.--~~

8 (1) Goods, wares, or merchandise manufactured or mined
9 in whole or in part by inmates ~~prisoners (except prisoners on~~
10 ~~parole or probation)~~ may not be sold or offered for sale in
11 this state by any person or by any federal authority or state
12 or political subdivision thereof; however, this section does
13 ~~and s. 946.21 do~~ not forbid the sale, exchange, or disposition
14 of such goods within the limitations set forth in s.
15 ~~946.006(3), s. 946.515, or s. 946.23~~ 946.519.

16 (2) Any ~~Every~~ person who violates subsection (1)
17 ~~violating the provisions of s. 946.518 shall be guilty of~~
18 commits a misdemeanor of the first degree, punishable as
19 provided in s. 775.082 or s. 775.083.

20 Section 6. Section 946.519, Florida Statutes, is
21 renumbered as section 946.23, Florida Statutes, and amended to
22 read:

23 946.23 ~~946.519~~ Use of goods and services produced in
24 correctional work programs.--

25 (1) Any service or item manufactured, processed,
26 grown, or produced by the department ~~of Corrections~~ in its
27 correctional work programs ~~present programs or in its future~~
28 ~~programs~~ and not required for use therein may be furnished or
29 sold to any legislative, executive, or judicial branch agency,
30 department, or institution of the state; political subdivision

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1 of the state; other state; or agency of the Federal
2 Government.

3 (2) No similar article of comparable price and quality
4 found necessary for use by any state agency may be purchased
5 from any other source when the department ~~of Corrections~~
6 certifies that the same is available and can be furnished by
7 the department. The purchasing authority of any such state
8 agency shall have the power to make reasonable determinations
9 of need, price, and quality with reference to articles
10 available for sale by such correctional work programs operated
11 by the department. In the event of a dispute between the
12 department and any purchasing authority based upon price or
13 quality, the matter shall be referred to the Executive Office
14 of the Governor, the decision of which shall be final.

15 Section 7. Section 946.25, Florida Statutes, 1996
16 Supplement, is amended to read:

17 946.25 Sale of hobbycrafts by inmates
18 ~~prisoners~~.--When, in the planning of the rehabilitation
19 program of the department ~~of Corrections~~ through its
20 recreational facilities, plans are made for inmates ~~prisoners~~
21 to engage in hobbies and hobbycrafts after their normal
22 working hours and when they are not required ~~by the~~
23 ~~superintendent or warden of a state prison or correctional~~
24 ~~institution~~ to be on their assigned duties, they may make
25 items of a hobby or hobbycraft nature which may be disposed of
26 by the inmate ~~prisoner~~ through the institutional canteen or
27 commissary ~~to persons visiting the institution~~.

28 Section 8. Section 946.31, Florida Statutes, 1996
29 Supplements, is amended to read:

30 946.31 Correctional Work Program Trust Fund; sources
31 ~~Sources of fund~~.--

1 (1) Should any general service operation of an
2 institution be transferred to the correctional work program
3 operation by the department ~~of Corrections~~, all assets and
4 liabilities of such operation shall become a part of the
5 Correctional Work Program Trust Fund.

6 (2) All income, receipts, earnings, and profits from
7 the correctional work programs authorized pursuant to s.
8 946.006 shall ~~hereafter~~ be credited to the Correctional Work
9 Program Trust Fund, to be used for the purposes ~~herein~~ set
10 forth in s. 946.32. ~~however,~~ If the earned surplus in the
11 fund at the end of any fiscal year exceeds \$5 million,
12 one-half of such amount as is determined by the Auditor
13 General to be in excess of this amount shall be deposited in
14 the General Revenue Fund, and the other half shall be utilized
15 by the department for the expansion and improvement of the
16 correctional work programs ~~program~~.

17 Section 9. Section 946.32, Florida Statutes, 1996
18 Supplement, is amended to read:

19 946.32 Use of fund.--

20 (1) Except as otherwise provided by law, ~~the~~ funds
21 credited to the Correctional Work Program Trust Fund shall be
22 used to finance ~~for the purposes of financing~~ the operation of
23 ~~the~~ correctional work programs authorized pursuant to s.
24 946.006. Such funds shall be used to construct, renovate, or
25 add to facilities or to implement inmate work programs,
26 including academic or vocational training designed to meet the
27 needs of the selected industry programs at the various
28 correctional institutions authorized pursuant to s. 946.006.
29 Such construction, renovation, or addition shall use inmate
30 labor. ~~herein set forth, and~~

31

1 (2) All costs of operation of correctional work
2 programs shall be paid from this fund, including compensation
3 of all personnel whose time or proportion of time is devoted
4 to such work program operations.

5 (3) The department ~~of Corrections~~ shall establish
6 budgeting and cost accounting procedures to provide
7 comparative analysis of each work program unit. The
8 department shall prepare and issue annual consolidated and
9 individual institution financial statements, including, but
10 not limited to, balance sheets and operating statements for
11 the correctional work programs. Any withdrawals from the
12 Correctional Work Program Trust Fund which do not relate to
13 the operation of ~~the~~ correctional work programs ~~program~~ shall
14 be identified separately in the operating statements.

15 (4) The department ~~of Corrections~~ shall have the
16 authority to:

17 (a) Use moneys in the Correctional Work Program Trust
18 Fund to enter into lease-purchase agreements for the lease of
19 fixtures and equipment over periods of time exceeding the
20 current fiscal year.

21 (b) ~~The department shall have the authority to~~
22 Construct buildings or make capital improvements for the
23 operation of said work programs.

24
25 The ownership of any permanent enhancements made to facilities
26 or work programs is vested in the department ~~of Corrections~~.

27 Section 10. Section 946.33, Florida Statutes, is
28 amended to read:

29 946.33 Disbursements from fund.--~~The Funds~~ credited to
30 the Correctional Work Program Trust Fund shall be deposited in
31 the State Treasury and paid out only on warrants drawn by the

1 Comptroller, duly approved by the department ~~of Corrections~~.
2 The department shall maintain all necessary records and
3 accounts relative to such funds.
4 Section 11. Subsections (1), (2), and (5) of section
5 946.40, Florida Statutes, are amended to read:
6 946.40 Use of inmates ~~prisoners~~ in public works.--
7 (1) The department ~~of Corrections~~ shall, subject to
8 the availability of funds appropriated for that purpose, and,
9 in the absence of such funds, may, enter into agreements with
10 such political subdivisions in the state, as defined by s.
11 1.01(8), including municipalities; with such agencies and
12 institutions of the state; and with such nonprofit
13 corporations as might use the services of inmates of
14 correctional institutions and camps when it is determined by
15 the department that such services will not be detrimental to
16 the welfare of such inmates or the interests of the state in a
17 program of rehabilitation. An agreement for use of fewer than
18 15 minimum custody inmates and medium custody inmates may
19 provide that supervision will be either by the department or
20 by the political subdivision, institution, nonprofit
21 corporation, or agency using the inmates. The department is
22 authorized to adopt rules governing work and supervision of
23 inmates used in public works projects, which rules shall
24 include, but shall not be limited to, the proper screening and
25 supervision of such inmates. Inmates may be used for these
26 purposes without being accompanied by a correctional officer,
27 provided the political subdivision, municipality, or agency of
28 the state or the nonprofit corporation provides proper
29 supervision pursuant to the rules of the department ~~of~~
30 ~~Corrections~~.
31

1 (2) The budget of the department may be reimbursed
2 from the budget of any state agency or state institution for
3 the services of inmates and personnel of the department in
4 such amounts as may be determined by agreement between the
5 department and the head of such agency or institution.
6 ~~However, no political subdivision of the state shall be~~
7 ~~required to reimburse the department for such services.~~

8 ~~(5) Ten dollars of the monthly cost of supervision fee~~
9 ~~imposed under s. 948.09(1) and paid by a person under~~
10 ~~community control, probation, pretrial intervention, or parole~~
11 ~~supervised by the Department of Corrections shall be deposited~~
12 ~~into the General Revenue Fund and paid to the Department of~~
13 ~~Corrections for the administration of the Inmate Work Program~~
14 ~~as created by this act.~~

15 Section 12. Subsections (1), (2), and (4) of section
16 946.502, Florida Statutes, 1996 Supplement, are amended to
17 read:

18 946.502 Legislative intent with respect to operation
19 of correctional work programs.--

20 (1) It is the intent of the Legislature that a
21 nonprofit corporation lease and manage the correctional work
22 programs of the department ~~of Corrections.~~

23 (2) It is further the intent of the Legislature that,
24 once one such nonprofit corporation is organized, no other
25 nonprofit corporation be organized for the purpose of carrying
26 out the provisions of this part ~~ss. 946.502-946.518~~. In
27 carrying out the provisions of this part ~~ss. 946.502-946.518~~,
28 the corporation is not an "agency" within the meaning of s.
29 20.03(11).

30 (4) It is further the intent of the Legislature that
31 the state shall have a continuing interest in assuring

1 continuity and stability in the operation of correctional work
2 programs and that the provisions of this part ~~ss.~~
3 ~~946.502-946.518~~ be construed in furtherance of such goals.

4 Section 13. Section 946.503, Florida Statutes, 1996
5 Supplement, is amended to read:

6 946.503 Definitions to be used with respect to
7 correctional work programs.--As used in this part ~~ss.~~
8 ~~946.502-946.518~~, the term:

9 (1) "Corporation" means "Prison Rehabilitative
10 Industries and Diversified Enterprises, Inc.," the private
11 nonprofit corporation established pursuant to s. 946.504(1) to
12 carry out the provisions of this part ~~ss. 946.502-946.518~~.

13 (2) "Correctional work program" means any program
14 presently a part of the prison industries program operated by
15 the department or any other correctional work program carried
16 on at any state or private correctional facility or county or
17 municipal detention facility presently or in the future, but
18 the term does not include any program authorized by s. 945.091
19 or s. 946.40.

20 (3) "Department" means the Department of Corrections.

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

24 (5) "Inmate" means any person committed to the custody
25 of the Department of Corrections and incarcerated within any
26 state or private correctional facility, and includes any
27 person committed to a county or municipal detention facility,
28 including a private detention facility ~~incarcerated within any~~
29 ~~state, county, municipal, or private correctional facility.~~

30 (6) "Private correctional facility" means a facility
31 authorized by chapter 944 or chapter 957.

1 Section 14. Subsection (8) is added to section
2 946.504, Florida Statutes, 1996 Supplement, to read:

3 946.504 Organization of corporation to operate
4 correctional work programs; lease of facilities; policies and
5 procedures.--

6 (8) The corporation shall establish policies and
7 procedures relating to the use of inmates in its correctional
8 work programs, which shall be submitted to the department for
9 approval.

10 Section 15. Section 946.506, Florida Statutes, 1996
11 Supplement, is amended to read:

12 946.506 Modification or termination of correctional
13 work program by the corporation.--The provisions of this part
14 ~~Sections 946.502-946.518~~ do not prevent the corporation from
15 modifying, altering, or terminating any correctional work
16 program, once assumed, so long as the corporation is otherwise
17 carrying out these ~~the~~ provisions of ~~ss. 946.502-946.518~~.

18 Section 16. Subsection (2) of section 946.509, Florida
19 Statutes, 1996 Supplement, is amended to read:

20 946.509 Insurance of property leased or acquired by
21 the corporation.--

22 (2) Coverage under the State Property Insurance Trust
23 Fund of property leased to or otherwise acquired by the
24 corporation shall be secured and maintained through the
25 existing policy and account of the Department of Corrections
26 with the Division of Risk Management of the Department of
27 Insurance. All matters, including premium calculations,
28 assessments and payments, retrospective premium adjustments,
29 reporting requirements, and other requirements, concerning
30 coverage of such property under the State Property Insurance
31 Trust Fund shall be conducted as if all such property were

1 owned solely by the department. Except as required by chapter
2 284, if the corporation finds that it is more economical to do
3 so, the corporation may secure private insurance coverage on
4 all or a portion of the activities of or properties used by
5 the corporation. If coverage through the State Property
6 Insurance ~~Florida Fire Insurance~~ Trust Fund is not secured,
7 the corporation must present documentation of insurance
8 coverage to the Division of Risk Management equal to the
9 coverage that could otherwise be provided by the State
10 Property Insurance ~~Florida Fire Insurance~~ Trust Fund.

11 Section 17. Section 946.511, Florida Statutes, is
12 renumbered as section 946.60, Florida Statutes, designated as
13 part III of chapter 946, Florida Statutes, and amended to
14 read:

15 PART III

16 MISCELLANEOUS PROVISIONS

17 946.60 Assignment of inmates to correctional work
18 programs; objectives and priorities; removal of inmates from
19 programs.--

20 ~~946.511 Provision of inmate labor to operate~~
21 ~~correctional work programs; policies and procedures.--~~

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

1 ~~institutional labor, and public agency work programs~~ shall be
2 governed by the following objectives and priorities:
3 (a) Inmates shall be assigned to meet the needs of the
4 work requirements of the Department of Corrections, including
5 essential operational functions and revenue-generating
6 ~~existing Department of Transportation~~ contracts.
7 (b) Inmates shall be assigned to correctional
8 education and the corporation operating the correctional
9 industry program under part II.
10 (c) Inmates shall be assigned to meet all other work
11 requirements of the department, including remaining
12 operational functions and nonrevenue generating contracts
13 ~~public works~~.
14 (2) The department shall exert its best efforts to
15 assign inmates to the corporation authorized to conduct
16 correctional work programs under part II or the private sector
17 business authorized to conduct prison industry programs under
18 part I of this chapter, who have not less than 1 nor more than
19 5 years remaining before their tentative release date. By
20 January 1, 1996, and at no time thereafter shall the
21 department assign less than 60 percent of inmates to work
22 programs under part I or part II of this chapter who have less
23 than 10 years remaining before their tentative release dates.
24 (3) The department may not remove an inmate once
25 assigned to the corporation authorized to conduct correctional
26 work programs under part II or to the private sector business
27 authorized under part I of this chapter, except:
28 (a) Upon request of or consent of such corporation or
29 private sector business;
30 (b) For population management;
31

1 (c) For inmate conduct which may subject the inmate to
2 disciplinary confinement or loss of gain-time; or

3 (d) For security and safety concerns specifically set
4 forth in writing to the corporation or private sector
5 business.

6 ~~(2) The corporation shall establish policies and~~
7 ~~procedures relating to the use of inmates in its correctional~~
8 ~~work program, which shall be submitted to the department for~~
9 ~~approval. Any policies and procedures in effect on the~~
10 ~~effective date of this act do not require approval.~~

11 Section 18. Section 946.513, Florida Statutes, is
12 amended to read:

13 946.513 Inmates not entitled to unemployment
14 compensation ~~Private employment of inmates; disposition of~~
15 ~~compensation received.--~~

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

26 ~~(2) No inmate is eligible for unemployment~~
27 ~~compensation, whether employed by the corporation or by any~~
28 ~~other private enterprise operating on the grounds of a~~
29 ~~correctional institution or elsewhere, when such employment is~~
30 ~~part of a correctional work program or work-release program of~~
31

1 ~~either~~ the corporation authorized under this part ~~or the~~
2 ~~department.~~

3 Section 19. Section 946.514, Florida Statutes, is
4 amended to read:

5 946.514 Civil rights of inmates; inmates not state
6 employees or entitled to workers' compensation benefits;
7 liability of corporation for inmate injuries.--

8 (1) Nothing contained in this part ~~ss. 946.502-946.517~~
9 is intended to restore in whole or in part the civil rights of
10 inmates.

11 (2) No inmate compensated under this part ~~ss.~~
12 ~~946.502-946.517~~ ~~or by the corporation or the department~~ shall
13 be considered as an employee of the state, the department, or
14 the corporation, nor shall such inmate come within any
15 provision of the Workers' Compensation Act, except to the
16 extent that workers' compensation coverage is required under
17 s. 946.006(3).

18 (3) The corporation is liable for inmate injury to the
19 extent specified in s. 768.28; however, the members of the
20 board of directors are not individually liable to any inmate
21 for any injury sustained in any correctional work program
22 operated by the corporation.

23 Section 20. Subsection (7) of section 946.515, Florida
24 Statutes, 1996 Supplement, is amended to read:

25 946.515 Use of goods and services produced in
26 correctional work programs.--

27 (7) The provisions of s.~~ss.~~946.21 ~~and 946.518~~ do not
28 apply to this section.

29 Section 21. Section 945.04, Florida Statutes, is
30 amended to read:

31

1 945.04 Department of Corrections; general function;
2 ~~seal; use of inmate labor.--~~

3 (1) The Department of Corrections shall be responsible
4 for the inmates and for the operation of, and shall have
5 supervisory and protective care, custody, and control of, all
6 buildings, grounds, property of, and matters connected with,
7 the correctional system.

8 (2) The Department of Corrections may adopt an
9 official seal to be used for the purpose of authenticating its
10 official documents and for such other purposes as the
11 department prescribes.

12 ~~(3) The Department of Corrections shall maximize the
13 use of inmate labor in the construction of inmate housing and
14 the conduct of all maintenance projects so that such
15 activities provide work opportunities for the optimum number
16 of inmates in the most cost-effective manner.~~

17 ~~(4) The Department of Corrections shall exert its best
18 efforts to assign inmates to the corporation authorized to
19 conduct correctional work programs under part II of chapter
20 946, or the private sector business authorized under part I or
21 part II of chapter 946, that have not less than 1 nor more
22 than 5 years remaining before their tentative release date. By
23 January 1, 1996, and at no time thereafter shall the
24 department assign less than 60 percent of inmates to
25 correctional work programs under part I or part II of chapter
26 946 who have less than 10 years remaining before their
27 tentative release dates. By November 1, 1995, the department
28 shall submit to the Legislature a report which outlines
29 strategies for complying with the provision of this
30 subsection.~~

31

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

11 Section 22. Subsection (1) of section 958.12, Florida
12 Statutes, is amended to read:

13 958.12 Participation in certain activities required.--

14 (1) A youthful offender shall be required to
15 participate in work assignments, and in vocational, academic,
16 counseling, and other rehabilitative programs in accordance
17 with this section, including, but not limited to:

18 (a) All youthful offenders may be required, as
19 appropriate, to participate in:

- 20 1. Reception and orientation.
- 21 2. Evaluation, needs assessment, and classification.
- 22 3. Educational programs.
- 23 4. Vocational and job training.
- 24 5. Life and socialization skills training, including
- 25 anger/aggression control.
- 26 6. Prerelease orientation and planning.
- 27 7. Appropriate transition services.

28 (b) In addition to the requirements in paragraph (a),
29 the department shall make available:

- 30 1. Religious services and counseling.
- 31 2. Social services.

- 1 3. Substance abuse treatment and counseling.
- 2 4. Psychological and psychiatric services.
- 3 5. Library services.
- 4 6. Medical and dental health care.
- 5 7. Athletic, recreational, and leisure time
- 6 activities.
- 7 8. Mail and visiting privileges.
- 8

9 Income derived by a youthful offender from participation in
10 such activities may be used, in part, to defray a portion of
11 the costs of his incarceration or supervision; to satisfy
12 preexisting obligations; to pay fines, counseling fees, or
13 other costs lawfully imposed; or to pay restitution to the
14 victim of the crime for which the youthful offender has been
15 convicted in an amount determined by the sentencing court. Any
16 such income not used for such reasons or not used as provided
17 in ~~s. 946.513~~ or s. 958.09 shall be placed in a bank account
18 for use by the youthful offender upon his release.

19 Section 23. Section 946.0061, Florida Statutes, as
20 created by chapter 95-283, Laws of Florida, section 946.007,
21 Florida Statutes, and section 946.009, Florida Statutes, 1996
22 Supplement, as amended by chapters 95-325 and 96-278, Laws of
23 Florida, are hereby repealed.

24 Section 24. The Division of Statutory Revision of the
25 Joint Legislative Management Committee is hereby directed to
26 retitle part I of chapter 946, Florida Statutes, consisting of
27 ss. 946.015-946.41, Florida Statutes, as "DEPARTMENT OF
28 CORRECTIONS; CORRECTIONAL WORK PROGRAMS" and to retitle part
29 II of said chapter, consisting of ss. 946.501-946.517, Florida
30 Statutes, as "PRISON REHABILITATIVE INDUSTRIES AND DIVERSIFIED
31 ENTERPRISES, INC.; CORRECTIONAL WORK PROGRAMS."

