

By Representative Merchant

1 A bill to be entitled
2 An act relating to prisoners; amending s.
3 946.002, F.S.; requiring prisoners in the state
4 correctional system to perform a specified
5 amount of work; providing legislative intent;
6 authorizing the Department of Corrections to
7 adopt rules to implement the prisoner work
8 requirement in accordance with specified
9 guidelines; excluding certain education and job
10 training from the prisoner work requirement;
11 providing for in-house farming programs at
12 correctional facilities; providing that certain
13 moneys otherwise expended on prisoners' food or
14 on compensation for prisoners' work shall be
15 used to offset costs of implementing the
16 prisoner work requirement or correctional
17 facility operation; providing that workers'
18 compensation otherwise due or payable to a
19 prisoner shall be used for restitution, child
20 support, alimony, and correctional facility
21 operation or placed for disposition purposes in
22 the Crimes Compensation Trust Fund; providing
23 an effective date.

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

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27 Section 1. Paragraph (a) of subsection (1) of section
28 946.002, Florida Statutes, 1996 Supplement, is amended to
29 read:

30 946.002 Requirement of labor; compensation; amount;
31 crediting of account of prisoner; forfeiture; civil rights;

1 prisoner not employee or entitled to compensation insurance
2 benefits.--

3 (1)(a) The department shall require ~~of~~ every
4 able-bodied prisoner imprisoned in any institution to work at
5 least 40 hours per week ~~as many hours of faithful labor in~~
6 ~~each day and every day during his term of imprisonment as~~
7 ~~shall be prescribed by the rules of the department. Every~~
8 ~~able-bodied prisoner classified as medium custody or minimum~~
9 ~~custody who does not satisfactorily participate in any~~
10 ~~institutional work, academic, or vocational programs shall be~~
11 ~~required to perform work for such political subdivisions of~~
12 ~~the state as might have entered into agreement with the~~
13 ~~department pursuant to s. 946.40.~~

14 Section 2. Legislative intent with respect to 40-hour
15 workweek for prisoners.--It is the intent of the Legislature
16 to reduce to the maximum extent possible the operation costs
17 of correction facilities to state government by imposing the
18 requirement pursuant to s. 946.002(1)(a), Florida Statutes,
19 that able-bodied prisoners work at least 40 hours per week.
20 It is the further intent of the Legislature to provide the
21 Department of Corrections with sufficient flexibility in
22 scheduling prisoner work to allow for and accommodate the
23 scheduling of education, job training, and substance abuse
24 programs for prisoners. Notwithstanding chapter 946, Florida
25 Statutes, or any other provision of law or rule to the
26 contrary, the Department of Corrections shall adopt rules to
27 implement the prisoner work requirement under this act in
28 accordance with the following guidelines:

29 (1) For purposes of this act, the term "prisoner work"
30 does not include any time a prisoner attends or pursues:
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1 (a) Academic or career education, including, but not
2 limited to, educational programs which are provided to
3 offenders pursuant to s. 944.801, Florida Statutes, relating
4 to the Correctional Education Program, or which are provided
5 to offenders for rehabilitative or other purposes pursuant to
6 s. 20.315(1)(f), Florida Statutes, or which offer offenders
7 opportunities for earning a general educational development
8 certificate, vocational certificate, or other form of
9 educational attainment qualifying the inmate for incentive
10 gain-time pursuant to s. 944.275(4)(d), Florida Statutes.

11 (b) Voluntary job training provided to offenders
12 outside of prison industries and other inmate work programs.

13 (c) Substance abuse programs, wellness programs, and
14 other personal health-related programs with educational or
15 informative purposes.

16 (2) Notwithstanding s. 946.515, Florida Statutes,
17 relating to use of goods and services produced in correctional
18 work programs or any other provision of law or rule, a
19 correctional facility shall to the extent feasible establish
20 an in-house farming program on the grounds of property owned
21 by the Department of Corrections for purposes of reducing the
22 costs of feeding prisoners. Under the farming program,
23 prisoners may grow, harvest, or otherwise collect, cultivate,
24 or process edible agricultural products for consumption by
25 prisoners, including, but not limited to, fruits and
26 vegetables, nuts, grains and legumes, dairy products, fish and
27 seafood, and meats. The hours of agricultural work
28 satisfactorily performed by a prisoner pursuant to the farming
29 program may be credited towards the prisoner work requirement.
30 The Department of Corrections shall use any savings in the
31 food budget of the correctional facility which results from

1 the in-house farming program to offset any supervision costs
2 or other costs of implementing the prisoner work requirement
3 under this act.

4 (3) Notwithstanding s. 946.002, Florida Statutes,
5 relating to compensation of prisoners, or any other provision
6 of law or rule, the Department of Corrections shall use any
7 moneys available for compensation of prisoner labor, which
8 otherwise might be payable to a prisoner after deduction of
9 court-ordered payments for restitution and child support and
10 alimony, to offset any supervision costs or other costs of
11 implementing the prisoner work requirement under this act or
12 any operation cost of correctional facility.

13 Section 3. Notwithstanding s. 440.15(9), Florida
14 Statutes, relating to workers' compensation for disability
15 when an employee becomes an inmate of a public institution, or
16 any other provision of law or rule, any workers' compensation
17 otherwise due or payable to a prisoner shall be used in whole
18 or in part to satisfy restitution ordered by a court of
19 competent jurisdiction to the victim of the criminal act,
20 child support, alimony, and operation cost of correctional
21 facility. Remaining workers' compensation moneys otherwise
22 due or payable to the prisoner shall be placed in the Crimes
23 Compensation Trust Fund for disposition pursuant to ss.
24 960.01-960.28, Florida Statutes.

25 Section 4. This act shall take effect July 1, 1997.
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HOUSE SUMMARY

Requires prisoners in the state correctional system to work at least 40 hours per week. Provides legislative intent. Authorizes the Department of Corrections to adopt rules to implement the prisoner work requirement in accordance with specified guidelines. Excludes certain education and job training from the prisoner work requirement. Provides for in-house farming programs at correctional facilities. Provides that certain moneys otherwise expended on prisoners' food or on compensation for prisoners' work shall be used to offset costs of implementing the prisoner work requirement or correctional facility operation. Provides that workers' compensation otherwise due or payable to a prisoner shall be used for restitution, child support, alimony, and correctional facility operation or placed for disposition purposes in the Crimes Compensation Trust Fund