

By Senator Campbell

33-1424-98

1 A bill to be entitled
2 An act relating to trust funds within the
3 Department of Corrections; amending s. 945.215,
4 F.S.; providing for the Inmate Welfare Trust
5 Fund to be for the benefit of inmates in the
6 department's correctional facilities; requiring
7 that certain additional funds be deposited into
8 the trust fund; authorizing the Secretary of
9 Corrections to invest funds in the Inmate
10 Welfare Trust Fund; authorizing the use of
11 moneys in the Inmate Welfare Trust Fund for
12 certain additional purposes; authorizing moneys
13 in the trust fund to be used for operating
14 inmate chapels, chaplaincy programs, visiting
15 pavilions, libraries, and law libraries;
16 providing for the use of the proceeds derived
17 from canteens and similar sources within
18 private correctional facilities; providing
19 legislative intent; requiring that such moneys
20 be used exclusively for specified purposes;
21 revising requirements for the Employee Benefit
22 Trust Fund within the Department of
23 Corrections; amending s. 945.31, F.S.;
24 providing for restitution and other payments to
25 be deposited into the department's Operating
26 Trust Fund rather than the Grants and Donations
27 Trust Fund; amending s. 944.10, F.S.; providing
28 for certain fees charged by the department for
29 inmate labor to be deposited into the
30 Correctional Work Program Trust Fund rather
31 than the Grants and Donations Trust Fund;

1 amending ss. 945.76, 948.09, 951.23, F.S. ;
2 providing for certain fees assessed by the
3 department against a batterers' intervention
4 program, the surcharge paid to the department
5 for electronic monitoring, and fees paid to the
6 department for inspecting local detention
7 facilities to be deposited into the
8 department's Operating Trust Fund rather than
9 the Grants and Donations Trust Fund; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 945.215, Florida Statutes, is
15 amended to read:

16 945.215 Inmate welfare and employee benefit trust
17 funds.--

18 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
19 CORRECTIONS.--

20 (a) The Inmate Welfare Trust Fund constitutes a trust
21 held by the department for the benefit and welfare of inmates
22 incarcerated in correctional facilities under the department's
23 jurisdiction. Funds shall be credited to the trust fund as
24 follows:

25 1. All funds moneys held in any auxiliary, canteen,
26 welfare, or similar fund in any correctional facility state
27 institution under the jurisdiction of the Department of
28 Corrections shall be deposited in the Inmate Welfare Trust
29 Fund of the department, which fund is created in the State
30 Treasury, to be appropriated annually by the Legislature and
31

1 ~~deposited in the Department of Corrections Grants and~~
2 ~~Donations Trust Fund.~~

3 2. All net proceeds from operating inmate canteens,
4 vending machines used primarily by inmates, hobby shops, and
5 other similar facilities. Funds used to ~~However, moneys~~
6 ~~budgeted by the department for the purchase of items for~~
7 ~~resale at inmate canteens and or vending machines must be~~
8 ~~deposited into local bank accounts designated by the~~
9 ~~department. The department shall submit to the President of~~
10 ~~the Senate and the Speaker of the House of Representatives by~~
11 ~~January 1 of each year a report that documents the receipts~~
12 ~~and expenditures, including a verification of telephone~~
13 ~~commissions, from the Inmate Welfare Trust Fund for the~~
14 ~~previous fiscal year. The report must present this information~~
15 ~~by program, by institution, and by type of receipt.~~

16 3. All proceeds from contracted telephone commissions.
17 The department shall develop and update, as necessary,
18 administrative procedures to verify that:

19 a. Contracted telephone companies accurately record
20 and report all telephone calls made by inmates incarcerated in
21 correctional facilities under the department's jurisdiction;

22 b. Persons who accept collect calls from inmates are
23 charged the contracted rate; and

24 c. The department receives the contracted telephone
25 commissions.

26 4. Any funds that are assigned by inmates or donated
27 to the department by the general public or an inmate service
28 organization. However, the department may not accept any
29 donation from, or on behalf of, any individual inmate.

30 5. Repayment of the one-time sum of \$500,000
31 appropriated in the 1996-1997 fiscal year from the Inmate

1 Welfare Trust Fund for correctional work programs under s.
2 946.008.
3 6. All proceeds from:
4 a. The confiscation and liquidation of any contraband
5 found upon, or in the possession of, any inmate;
6 b. Disciplinary fines imposed against inmates;
7 c. Forfeiture of inmate earnings; and
8 d. Unexpended balances in individual inmate trust fund
9 accounts of less than \$1.
10 7. All interest, earnings, and other proceeds derived
11 from the investment of funds deposited into the Inmate Welfare
12 Trust Fund. In the manner authorized by law for fiduciaries,
13 the Secretary of Corrections, or the secretary's designee, may
14 invest any funds in the Inmate Welfare Trust Fund if the
15 secretary determines that such funds are not needed for
16 immediate use.
17 (b) ~~Funds Beginning with the legislative appropriation~~
18 ~~for fiscal year 1995-1996 and thereafter, the money in the~~
19 ~~Inmate Welfare Trust Fund must be used exclusively for the~~
20 ~~following purposes at correctional facilities under the~~
21 ~~jurisdiction of the department:~~
22 1. To operate inmate canteens and vending machines,
23 including purchasing ~~purchase~~ items for resale at the inmate
24 canteens and or vending machines maintained at the
25 correctional facilities; employing
26 2. ~~To employ~~ personnel and inmates to manage,
27 supervise, and operate inmate the canteens and vending
28 machines at the correctional facilities; and
29 3. ~~for paying other~~ operating and fixed-capital outlay
30 expenses associated with operating the operation of inmate
31 canteens and vending machines.

1 ~~2.4.~~ To employ personnel to manage and supervise the
2 proceeds from telephone commissions.†

3 3. To develop, implement, and maintain the medical
4 copayment accounting system.

5 ~~4.5.~~ To provide literacy programs, vocational training
6 programs, and educational ~~employ personnel for correctional~~
7 ~~education to provide literacy programs, vocational training,~~
8 ~~and academic~~ programs that comply with standards of the
9 Department of Education, including employing personnel and
10 paying†

11 ~~6.~~ for other operating and fixed-capital outlay
12 expenses associated with providing such programs. ~~the delivery~~
13 ~~to inmates of literacy programs, vocational training, and~~
14 ~~academic programs that comply with standards of the Department~~
15 ~~of Education†~~

16 ~~5.7.~~ To operate inmate chapels, chaplaincy programs,
17 visiting pavilions, libraries, and law libraries, including
18 employing personnel and paying for other ~~For~~ operating and
19 fixed-capital outlay expenses associated with operating the
20 ~~operation of inmate chapels, chaplaincy programs, visiting~~
21 ~~pavilions, libraries, and law libraries.~~ visiting pavilions†

22 ~~8.~~ To ~~employ personnel to operate the libraries,~~
23 ~~chapels, and visiting pavilions†~~

24 ~~6.9.~~ For expenses associated with various inmate
25 clubs.†

26 ~~7.10.~~ For expenses associated with legal services for
27 inmates.†

28 ~~8.11.~~ To ~~employ personnel to provide inmate substance~~
29 ~~abuse treatment~~ programs for inmates and programs in and
30 transition and life skills, including employing personnel and
31 paying training programs; and

1 ~~12.~~ for operating and fixed-capital outlay expenses
2 associated with providing such the delivery of inmate
3 ~~substance abuse treatment and transition and life skills~~
4 ~~training programs.~~

5 (c) The Legislature shall annually appropriate the
6 funds deposited in the Inmate Welfare Trust Fund. It is the
7 intent of the Legislature that the total annual expenditures
8 for providing literacy programs, vocational training programs,
9 and educational programs exceed the combined items listed in
10 ~~subparagraphs 5. and 6. must exceed the total annual~~
11 ~~expenditures for operating inmate chapels, chaplaincy~~
12 programs, visiting pavilions, libraries, and law libraries;
13 paying for expenses associated with inmate clubs; and
14 providing substance abuse treatment programs and training
15 programs in transition and life skills items listed in
16 ~~subparagraphs 7. through 12.~~

17 (d) Funds in the Inmate Welfare Trust Fund or any
18 ~~other fund may not be used to purchase cable television~~
19 ~~service, to rent or purchase videocassettes, videocassette~~
20 ~~recorders, or other audiovisual or electronic equipment used~~
21 ~~primarily for recreation purposes. This paragraph does not~~
22 ~~preclude the purchase or rental of electronic or audiovisual~~
23 ~~equipment for inmate training or educational programs. The~~
24 ~~department shall develop administrative procedures to verify~~
25 ~~that contracted telephone commissions are being received, that~~
26 ~~persons who have accepted collect calls from inmates are being~~
27 ~~charged the contracted rate, and that contracted telephone~~
28 ~~companies are accurately and completely recording and~~
29 ~~reporting all inmate telephone calls made.~~

30 ~~(c) There shall be deposited in the Inmate Welfare~~
31 ~~Trust Fund all net proceeds from the operation of canteens,~~

1 ~~vending machines, hobby shops, and other such facilities and~~
2 ~~any moneys that may be assigned by the inmates or donated to~~
3 ~~the department by the general public or an inmate service~~
4 ~~organization for deposit in the fund. However, the department~~
5 ~~shall refuse to accept any donations from or on behalf of any~~
6 ~~individual inmate. The moneys of the fund shall constitute a~~
7 ~~trust held by the department for the benefit and welfare of~~
8 ~~the inmates of the institutions under the jurisdiction of the~~
9 ~~department.~~

10 ~~(d) There shall be deposited in the Inmate Welfare~~
11 ~~Trust Fund such moneys as constitute repayment of the one-time~~
12 ~~sum appropriated pursuant to s. 946.008.~~

13 ~~(e) Any contraband found upon, or in the possession~~
14 ~~of, any inmate in any institution under the jurisdiction of~~
15 ~~the department shall be confiscated and liquidated, and the~~
16 ~~proceeds thereof shall be deposited in the Inmate Welfare~~
17 ~~Trust Fund of the department.~~

18 ~~(f) The secretary of the department or the secretary's~~
19 ~~designee may invest in the manner authorized by law for~~
20 ~~fiduciaries any money in the Inmate Welfare Trust Fund of the~~
21 ~~department that in his or her opinion is not necessary for~~
22 ~~immediate use, and the interest earned and other increments~~
23 ~~derived from such investments made pursuant to this section~~
24 ~~shall be deposited in the Inmate Welfare Trust Fund of the~~
25 ~~department.~~

26 ~~(e)(g)~~ Items for resale at the inmate canteens and or
27 vending machines maintained at the correctional facilities
28 shall be priced comparatively with like items for retail sale
29 at fair market prices.

30 ~~(f)(h)~~ Notwithstanding any other provision of law,
31 inmates with sufficient balances in their individual inmate

1 bank trust fund accounts, after all debts against the account
2 are satisfied, shall be allowed to request a weekly draw of up
3 to \$45 to be expended for personal use on canteen and vending
4 machine items.

5 (g) The department shall annually compile a report
6 that specifically documents receipts into and expenditures
7 from the Inmate Welfare Trust Fund for each correctional
8 facility and for all facilities statewide. The department must
9 submit the report for the previous fiscal year by September 1
10 of each year to the appropriate substantive and fiscal
11 committees of the Senate and the House of Representatives and
12 to the Executive Office of the Governor.

13 (2) INMATE WELFARE FUNDS; PRIVATE CORRECTIONAL
14 FACILITIES.--

15 (a) As used in this subsection, the term "private
16 correctional facility" means a correctional facility that is
17 operated under a contract with the Correctional Privatization
18 Commission pursuant to chapter 957.

19 (b)1. It is the intent of the Legislature that net
20 proceeds derived from inmate canteens, vending machines used
21 primarily by inmates, telephone commissions, and similar
22 sources within private correctional facilities, are "inmate
23 welfare funds."

24 2. It is further the intent of the Legislature that
25 inmate welfare funds be used for programs and services that
26 directly benefit inmates. Such funds must be used exclusively
27 for:

28 a. Operating inmate canteens and vending machines,
29 including purchasing items for resale at inmate canteens and
30 vending machines; employing personnel and inmates to manage,
31 supervise, and operate inmate canteens and vending machines;

1 and paying other operating and fixed-capital outlay expenses
2 associated with operating inmate canteens and vending
3 machines.

4 b. Employing personnel to manage and supervise the
5 proceeds from telephone commissions.

6 c. Providing literacy programs, vocational training
7 programs, and educational programs that comply with standards
8 of the Department of Education, including employing personnel
9 and paying other operating and fixed-capital outlay expenses
10 associated with providing such programs.

11 d. Operating inmate chapels, chaplaincy programs,
12 visiting pavilions, libraries, and law libraries, including
13 employing personnel and paying other operating and
14 fixed-capital outlay expenses associated with operating inmate
15 chapels, chaplaincy programs, visiting pavilions, libraries,
16 and law libraries.

17 e. Paying expenses associated with various inmate
18 clubs.

19 f. Paying expenses associated with legal services for
20 inmates.

21 g. Employing personnel to provide substance abuse
22 treatment programs for inmates and training programs in
23 transition and life skills, including employing personnel and
24 paying other operating and fixed-capital outlay expenses
25 associated with providing such programs.

26
27 It is the intent of the Legislature that total annual
28 expenditures for providing literacy programs, vocational
29 training programs, and educational programs exceed the
30 combined total annual expenditures for operating inmate
31 chapels, chaplaincy programs, visiting pavilions, libraries,

1 and law libraries; paying expenses associated with inmate
2 clubs; and providing substance abuse treatment programs and
3 training programs in transition and life skills.

4 (c) The Correctional Privatization Commission shall
5 annually compile a report that documents receipts into and
6 expenditures from the inmate welfare fund at each private
7 correctional facility. The report must specifically identify
8 the source of the receipts and the expenditures. The
9 Correctional Privatization Commission shall compile the report
10 for the prior fiscal year by September 1 of each year and
11 submit the report to the appropriate substantive and fiscal
12 committees of the Senate and the House of Representatives and
13 to the Executive Office of the Governor.

14 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
15 CORRECTIONS.--

16 (2)(a) The department may establish an Employee
17 Benefit Trust Fund. Trust fund sources may be derived from any
18 of the following:

19 1.(a) Proceeds of vending machines or other such
20 services not intended for use by inmates.

21 2.(b) Donations, except donations by, or on behalf of,
22 an individual inmate.

23 3.(c) Additional trust funds and grants which may
24 become available.

25 (b) Funds from the Employee Benefit Trust Fund ~~Such~~
26 ~~fund shall be maintained and audited separately and apart from~~
27 ~~the Inmate Welfare Trust Fund. Portions of the fund may be~~
28 used to construct, operate, and maintain training and
29 recreation facilities at correctional facilities for the
30 exclusive use of department employees ~~respective institutions.~~

31 Such facilities are ~~shall be~~ the property of the department

1 and must ~~shall~~ provide the maximum benefit to all interested
2 employees, regardless of gender ~~of both sexes, including~~
3 ~~teachers, clerical staff, medical and psychological services~~
4 ~~personnel, and officers and administrators.~~

5 Section 2. Section 945.31, Florida Statutes, is
6 amended to read:

7 945.31 Restitution and other payments.--The department
8 may establish bank accounts outside the State Treasury for the
9 purpose of collecting and disbursing restitution and other
10 court-ordered payments from persons in its custody or under
11 its supervision, and may collect an administrative processing
12 fee in an amount equal to 4 percent of the gross amounts of
13 such payments. Such administrative processing fee shall be
14 deposited in the department's Operating Grants and Donations
15 Trust Fund and shall be used to offset the cost of the
16 department's services.

17 Section 3. Subsection (7) of section 944.10, Florida
18 Statutes, is amended to read:

19 944.10 Department of Corrections to provide buildings;
20 sale and purchase of land; contracts to provide services and
21 inmate labor.--

22 (7) The department may enter into contracts with
23 federal, state, or local governmental entities or subdivisions
24 to provide services and inmate labor for the construction of
25 buildings, parks, roads, any detention or commitment
26 facilities, or any other project deemed to be appropriate by
27 the Department of Corrections, which may include, but is not
28 limited to, the planning, design, site acquisition or
29 preparation, management, or construction of such projects. The
30 department may charge fees for providing such services. All
31

1 fees collected must be placed in the Correctional Work Program
2 ~~Grants and Donations~~ Trust Fund.

3 Section 4. Section 945.76, Florida Statutes, is
4 amended to read:

5 945.76 Certification and monitoring of batterers'
6 intervention programs; fees.--

7 (1) Pursuant to s. 741.32, the Department of
8 Corrections may ~~is authorized to~~ assess and collect:

9 (a) Annual certification fees not to exceed \$300 for
10 the certification and monitoring of batterers' intervention
11 ~~programs certified by the Department of Corrections' Office~~
12 ~~of Certification and Monitoring of Batterers' Intervention~~
13 ~~Programs and~~

14 (b) A fee of \$200 for the certification and monitoring
15 of assessment personnel providing direct services to persons
16 who:

17 1.(a) Are ordered by the court to participate in a
18 domestic violence prevention program;

19 2.(b) Are adjudged to have committed an act of
20 domestic violence as defined in s. 741.28;

21 3.(c) Have an injunction entered for protection
22 against domestic violence; or

23 4.(d) Agree to attend a program as part of a diversion
24 or pretrial intervention agreement by the offender with the
25 state attorney.

26 (2) All persons required by the court to attend
27 domestic violence programs certified by the Department of
28 Corrections' Office of Certification and Monitoring of
29 Batterers' Intervention Programs shall pay an additional \$30
30 fee for each 29-week program to the Department of Corrections.
31

1 (3) The fees assessed and collected under this section
2 ~~fee~~ shall be deposited in the department's Operating Grants
3 ~~and Donations~~ Trust Fund ~~to be used by the department~~ to fund
4 the cost of certifying and monitoring batterers' intervention
5 programs.

6 Section 5. Subsection (2) of section 948.09, Florida
7 Statutes, is amended to read:

8 948.09 Payment for cost of supervision and
9 rehabilitation.--

10 (2) Any person being electronically monitored by the
11 department as a result of placement on community control shall
12 be required to pay a \$1-per-day surcharge in addition to the
13 cost of supervision fee as directed by the sentencing court.
14 The surcharge shall be deposited in the Operating Grants ~~and~~
15 ~~Donations~~ Trust Fund to be used by the department for
16 purchasing and maintaining electronic monitoring devices.

17 Section 6. Subsection (10) of section 951.23, Florida
18 Statutes, is amended to read:

19 951.23 County and municipal detention facilities;
20 definitions; administration; standards and requirements.--

21 (10) ~~Nothing in~~ This section does not prohibit
22 ~~prohibits~~ the governing board of a county or municipality from
23 entering to enter into an agreement with the Department of
24 Corrections authorizing the department to inspect the local
25 detention facilities under the jurisdiction of the governing
26 body. A governing board of a county or municipality may enter
27 into such agreements with the department upon consultation
28 with the sheriff if the sheriff operates the detention
29 facility. The inspections performed by the department shall be
30 consultatory in nature and for the purpose of advising the
31 local governing bodies concerning compliance with the

1 standards adopted by the detention facility's chief
2 correctional officer. Such agreements must include, but are
3 not limited to, provisions for the physical and operational
4 standards that were adopted by the chief correctional officer
5 of the detention facility, the manner and frequency of
6 inspections to be conducted by the department, whether such
7 inspections are to be announced or unannounced by the
8 department, the type of access the department may have to the
9 detention facility, and the amount of payment by the local
10 governing body, if any, for the services rendered by the
11 department. Inspections and access to local detention
12 facilities shall not interfere with custody of inmates or the
13 security of the facilities as determined by the chief
14 correctional officer of each facility. Any fees collected by
15 the department pursuant to such agreements must be deposited
16 into the Operating Grants and Donations Trust Fund and shall
17 be used to pay the cost of the services provided by the
18 department to monitor local detention facilities pursuant to
19 such agreements. This subsection shall be repealed effective
20 October 1, 1999.

21 Section 7. This act shall take effect July 1, 1998.

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24 SENATE SUMMARY

25 Revises various requirements for the Department of
26 Corrections in administering the Inmate Welfare Trust
27 Fund. Authorizes the Secretary of Corrections to invest
28 moneys held in the trust fund. Provides for the fund to
29 be used for certain additional purposes. Requires that a
30 private correctional facility maintain an inmate welfare
31 fund and use moneys in the fund to operate canteens,
provide educational programs, and operate chapels and
other facilities within the private correctional
facility. Requires that certain moneys formerly deposited
into the department's Grants and Donations Trust Fund be
deposited into the Correctional Work Program Trust Fund
and the Operating Trust Fund. (See bill for details.)