

By the Committee on Ways and Means

301-1831-98

See HB

1 A bill to be entitled
2 An act relating to trust funds; modifying
3 provisions relating to specified trust funds
4 and fund accounts within the Department of
5 Corrections; amending s. 945.215, F.S.;
6 providing sources of funds and purposes of the
7 Inmate Welfare Trust Fund, the Privately Owned
8 Institutions Inmate Welfare Trust Fund, and the
9 Employee Benefit Trust Fund within the
10 department; providing for annual appropriation
11 of funds deposited in the Inmate Welfare Trust
12 Fund; requiring certain annual reports;
13 amending s. 945.31, F.S.; providing for deposit
14 of the department's administrative processing
15 fee in the department's Operating Trust Fund;
16 amending s. 945.76, F.S.; revising provisions
17 relating to fees for certification and
18 monitoring of batterers' intervention programs;
19 providing for deposit of such fees in the
20 department's Operating Trust Fund; amending s.
21 944.10, F.S.; providing for deposit of
22 contractual service and inmate labor fees in
23 the Correctional Work Program Trust Fund;
24 amending s. 948.09, F.S.; providing for deposit
25 of the electronic monitoring surcharge in the
26 department's Operating Trust Fund; amending s.
27 951.23, F.S.; providing for deposit of fees
28 collected pursuant to local detention facility
29 inspection agreements in the department's
30 Operating Trust Fund; providing an effective
31 date.

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

2

3 Section 1. Section 945.215, Florida Statutes, is
4 amended to read:

5 945.215 Inmate welfare and employee benefit trust
6 funds.--

7 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
8 CORRECTIONS.--

9 (a) The Inmate Welfare Trust Fund constitutes a trust
10 held by the department for the benefit and welfare of inmates
11 incarcerated in correctional facilities operated directly by
12 or under contract with the department. Funds shall be credited
13 to the trust fund as follows:

14 1. All funds ~~moneys~~ held in any auxiliary, canteen,
15 welfare, or similar fund in any correctional facility operated
16 directly by or under contract with the department ~~state~~
17 ~~institution under the jurisdiction of the Department of~~
18 ~~Corrections shall be deposited in the Inmate Welfare Trust~~
19 ~~Fund of the department, which fund is created in the State~~
20 ~~Treasury, to be appropriated annually by the Legislature and~~
21 ~~deposited in the Department of Corrections Grants and~~
22 ~~Donations Trust Fund.~~

23 2. All net proceeds from operating inmate canteens,
24 vending machines used primarily by inmates, hobby shops, and
25 other such facilities;however, funds necessary to ~~moneys~~
26 ~~budgeted by the department for the purchase of items for~~
27 ~~resale at inmate canteens and~~ ~~or~~ vending machines must be
28 deposited into local bank accounts designated by the
29 department. The department shall submit to the President of
30 the Senate and the Speaker of the House of Representatives by
31 January 1 of each year a report that documents the receipts

1 ~~and expenditures, including a verification of telephone~~
2 ~~commissions, from the Inmate Welfare Trust Fund for the~~
3 ~~previous fiscal year. The report must present this information~~
4 ~~by program, by institution, and by type of receipt.~~

5 3. All proceeds form contracted telephone commissions.
6 The department shall develop and update, as necessary,
7 administrative procedures to verify that:

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

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

13 c. The department receives the contracted telephone
14 commissions.

15 4. Any funds that may be assigned by inmates or
16 donated to the department by the general public or an inmate
17 service organization; however, the department shall not accept
18 any donation from, or on behalf of, any individual inmate.

19 5. Repayment of the one-time sum of \$500,000
20 appropriated in fiscal year 1996-1997 from the Inmate Welfare
21 Trust Fund for correctional work programs pursuant to s.
22 946.008.

23 6. All proceeds from:

24 a. The confiscation and liquidation of any contraband
25 found upon, or in the possession of, any inmate:

26 b. Disciplinary fines imposed against inmates;

27 c. Forfeitures of inmate earnings; and

28 d. Unexpended balances in individual inmate trust fund
29 accounts of less than \$1.

30 7. All interest earnings and other proceeds derived
31 from investments of funds deposited in the trust fund. In the

1 manner authorized by law for fiduciaries, the secretary of the
2 department, or the secretary's designee, may invest any funds
3 in the trust fund when it is determined that such funds are
4 not needed for immediate use.

5 (b) ~~Funds Beginning with the legislative appropriation~~
6 ~~for fiscal year 1995-1996 and thereafter, the money in the~~
7 ~~Inmate Welfare Trust Fund must be used exclusively for the~~
8 ~~following purposes at correctional facilities operated~~
9 ~~directly by or under contract with the department:~~

10 1. To operate inmate canteens and vending machines,
11 including purchasing ~~purchase~~ items for resale at the inmate
12 canteens and ~~or~~ vending machines, ~~maintained at the~~
13 ~~correctional facilities;~~

14 ~~2. employing~~ To employ ~~personnel and inmates to~~
15 ~~manage, supervise, and operate inmate the~~ canteens and vending
16 ~~machines, at the correctional facilities;~~

17 ~~3. and covering other~~ For ~~operating and fixed capital~~
18 ~~outlay expenses associated with operating the operation of~~
19 ~~inmate canteens and vending machines;~~

20 ~~2.4.~~ To employ personnel to manage and supervise the
21 proceeds from telephone commissions;

22 3. To develop, implement, and maintain the medical
23 copayment accounting system;

24 ~~4.5. To employ personnel for correctional education To~~
25 ~~provide literacy programs, vocational training programs, and~~
26 ~~educational academic~~ programs that comply with standards of
27 the Department of Education, including employing personnel and
28 covering other;

29 ~~6. For~~ operating and fixed capital outlay ~~expenses~~
30 ~~associated with providing such programs the delivery to~~
31 ~~inmates of literacy programs, vocational training, and~~

1 ~~academic programs that comply with standards of the Department~~
2 ~~of Education;~~

3 5.7. To operate inmate chapels, chaplaincy programs,
4 visiting pavilions, libraries, and law libraries, including
5 employing personnel and covering other ~~For~~ operating and fixed
6 capital outlay expenses associated with operating the
7 ~~operation of~~ inmate chapels, chaplaincy programs, visiting
8 pavilions, libraries, and law libraries ~~visiting pavilions;~~

9 ~~8. To employ personnel to operate the libraries,~~
10 ~~chapels, and visiting pavilions;~~

11 6.9. To provide for expenses associated with various
12 inmate clubs;

13 ~~7.10. To provide~~ for expenses associated with legal
14 services for inmates;

15 ~~8.11. To employ personnel~~ To provide inmate substance
16 abuse treatment programs and transition and life skills
17 training programs, including employing personnel and

18 ~~12. covering other~~ ~~For~~ operating and fixed capital
19 outlay expenses associated with providing such programs ~~the~~
20 ~~delivery of inmate substance abuse treatment and transition~~
21 ~~and life skills training programs.~~

22 (c) The Legislature shall annually appropriate the
23 funds deposited in the Inmate Welfare Trust Fund. It is the
24 intent of the Legislature that total annual expenditures for
25 providing literacy programs, vocational training programs, and
26 educational programs exceed the combined items listed in
27 ~~subparagraphs 5. and 6. must exceed the total annual~~
28 expenditures for operating inmate chapels, chaplaincy
29 programs, visiting pavilions, libraries, and law libraries,
30 covering expenses associated with inmate clubs, and providing
31 inmate substance abuse treatment programs and transition and

1 life skills training programs ~~items listed in subparagraphs 7.~~
2 ~~through 12.~~

3 (d) Funds in the Inmate Welfare Trust Fund or any
4 other fund may not be used to purchase cable television
5 service, to rent or purchase videocassettes, videocassette
6 recorders, or other audiovisual or electronic equipment used
7 primarily for recreation purposes. This paragraph does not
8 preclude the purchase or rental of electronic or audiovisual
9 equipment for inmate training or educational programs. ~~The~~
10 ~~department shall develop administrative procedures to verify~~
11 ~~that contracted telephone commissions are being received, that~~
12 ~~persons who have accepted collect calls from inmates are being~~
13 ~~charged the contracted rate, and that contracted telephone~~
14 ~~companies are accurately and completely recording and~~
15 ~~reporting all inmate telephone calls made.~~

16 ~~(c)~~ ~~There shall be deposited in the Inmate Welfare~~
17 ~~Trust Fund all net proceeds from the operation of canteens,~~
18 ~~vending machines, hobby shops, and other such facilities and~~
19 ~~any moneys that may be assigned by the inmates or donated to~~
20 ~~the department by the general public or an inmate service~~
21 ~~organization for deposit in the fund. However, the department~~
22 ~~shall refuse to accept any donations from or on behalf of any~~
23 ~~individual inmate. The moneys of the fund shall constitute a~~
24 ~~trust held by the department for the benefit and welfare of~~
25 ~~the inmates of the institutions under the jurisdiction of the~~
26 ~~department.~~

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

30 ~~(e)~~ ~~Any contraband found upon, or in the possession~~
31 ~~of, any inmate in any institution under the jurisdiction of~~

1 ~~the department shall be confiscated and liquidated, and the~~
2 ~~proceeds thereof shall be deposited in the Inmate Welfare~~
3 ~~Trust Fund of the department.~~

4 ~~(f) The secretary of the department or the secretary's~~
5 ~~designee may invest in the manner authorized by law for~~
6 ~~fiduciaries any money in the Inmate Welfare Trust Fund of the~~
7 ~~department that in his or her opinion is not necessary for~~
8 ~~immediate use, and the interest earned and other increments~~
9 ~~derived from such investments made pursuant to this section~~
10 ~~shall be deposited in the Inmate Welfare Trust Fund of the~~
11 ~~department.~~

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

16 ~~(f)(h)~~ Notwithstanding any other provision of law,
17 inmates with sufficient balances in their individual inmate
18 bank trust fund accounts, after all debts against the account
19 are satisfied, shall be allowed to request a weekly draw of up
20 to \$45 to be expended for personal use on canteen and vending
21 machine items.

22 (g) The department shall annually compile a report
23 that specifically documents Inmate Welfare Trust Fund receipts
24 and expenditures. This report shall be compiled at both the
25 statewide and institutional levels. The department must submit
26 this report for the previous fiscal year by September 1 of
27 each year to the chairs of the appropriate substantive and
28 fiscal committees of the Senate and the House of
29 Representatives and to the Executive Office of the Governor.

30 (2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE
31 TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.--

1 (a) For purposes of this subsection, privately
2 operated correctional facilities are those correctional
3 facilities under contract with the Correctional Privatization
4 Commission pursuant to chapter 957.

5 (b)1. The net proceeds derived from inmate canteens,
6 vending machines used primarily by inmates, telephone
7 commissions, and similar sources at private correctional
8 facilities shall be deposited in the Privately Operated
9 Institutions Inmate Welfare Trust Fund.

10 2. The Privately Operated Institutions Inmate Welfare
11 Trust Fund shall be used for programs and services that
12 directly benefit inmates. Such funds must be used exclusively
13 for:

14 a. Operating inmate canteens and vending machines,
15 including purchasing items for resale at inmate canteens and
16 vending machines, employing personnel and inmates to manage,
17 supervise, and operate inmate canteens and vending machines,
18 and covering other operating and fixed capital outlay expenses
19 associated with operating inmate canteens and vending
20 machines;

21 b. Employing personnel to manage and supervise the
22 proceeds from telephone commissions;

23 c. Providing literacy programs, vocational training
24 programs, and educational programs that comply with standards
25 of the Department of Education, including employing personnel
26 and covering other operating and fixed capital outlay expenses
27 associated with providing such programs;

28 d. Operating inmate chapels, chaplaincy programs,
29 visiting pavilions, libraries, and law libraries, including
30 employing personnel and covering other operating and fixed
31 capital outlay expenses associated with operating inmate

1 chapels, chaplaincy programs, visiting pavilions, libraries,
2 and law libraries;

3 e. Providing for expenses associated with various
4 inmate clubs;

5 f. Providing for expenses associated with legal
6 services for inmates;

7 g. Employing personnel to provide inmate substance
8 abuse treatment programs and transition and life skills
9 training programs, including employing personnel and covering
10 other operating and fixed capital outlay expenses associated
11 with providing such programs.

12 (c) It is the intent of the Legislature that total
13 annual expenditures for providing literacy programs,
14 vocational training programs, and educational programs exceed
15 the combined total annual expenditures for operating inmate
16 chapels, chaplaincy programs, visiting pavilions, libraries,
17 and law libraries, covering expenses associated with inmate
18 clubs, and providing inmate substance abuse treatment programs
19 and transition and life skills training programs.

20 (d) The Correctional Privatization Commission shall
21 annually compile a report that documents Privately Operated
22 Institutions Inmate Welfare Trust Fund receipts and
23 expenditures at each private correctional facility. This
24 report must specifically identify receipt sources and
25 expenditures. The Correctional Privatization Commission shall
26 compile this report for the prior fiscal year and shall submit
27 the report by September 1 of each year to the chairs of the
28 appropriate substantive and fiscal committees of the Senate
29 and House of Representatives and to the Executive Office of
30 the Governor.

31

1 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
2 CORRECTIONS.--

3 (a) The department may establish an Employee Benefit
4 Trust Fund. Trust fund sources may be derived from any of the
5 following:

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

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

10 3.(c) Additional trust funds and grants which may
11 become available.

12 (b) Funds from the Employee Benefit Trust Fund Such
13 ~~fund shall be maintained and audited separately and apart from~~
14 ~~the Inmate Welfare Trust Fund. Portions of the fund may be~~
15 ~~used to construct, operate, and maintain training and~~
16 ~~recreation facilities at correctional facilities for the~~
17 ~~exclusive use of department employees respective institutions.~~
18 ~~Such facilities are shall be the property of the department~~
19 ~~and must shall provide the maximum benefit to all interested~~
20 ~~employees, regardless of gender of both sexes, including~~
21 ~~teachers, clerical staff, medical and psychological services~~
22 ~~personnel, and officers and administrators.~~

23 Section 2. Section 945.31, Florida Statutes, is
24 amended to read:

25 945.31 Restitution and other payments.--The department
26 may establish bank accounts outside the State Treasury for the
27 purpose of collecting and disbursing restitution and other
28 court-ordered payments from persons in its custody or under
29 its supervision, and may collect an administrative processing
30 fee in an amount equal to 4 percent of the gross amounts of
31 such payments. Such administrative processing fee shall be

1 deposited in the department's Operating Grants and Donations
2 Trust Fund and shall be used to offset the cost of the
3 department's services.

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

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

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

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

15 (b) A \$200 fee for the certification and monitoring of
16 assessment personnel providing direct services to persons 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 4. Subsection (7) of section 944.10, Florida
7 Statutes, is amended to read:

8 944.10 Department of Corrections to provide buildings;
9 sale and purchase of land; contracts to provide services and
10 inmate labor.--

11 (7) The department may enter into contracts with
12 federal, state, or local governmental entities or subdivisions
13 to provide services and inmate labor for the construction of
14 buildings, parks, roads, any detention or commitment
15 facilities, or any other project deemed to be appropriate by
16 the Department of Corrections, which may include, but is not
17 limited to, the planning, design, site acquisition or
18 preparation, management, or construction of such projects. The
19 department may charge fees for providing such services. All
20 fees collected must be placed in the Correctional Work Program
21 ~~Grants and Donations~~ Trust Fund.

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

24 948.09 Payment for cost of supervision and
25 rehabilitation.--

26 (2) Any person being electronically monitored by the
27 department as a result of placement on community control shall
28 be required to pay a \$1-per-day surcharge in addition to the
29 cost of supervision fee as directed by the sentencing court.
30 The surcharge shall be deposited in the Operating Grants ~~and~~
31

1 ~~Donations~~ Trust Fund to be used by the department for
2 purchasing and maintaining electronic monitoring devices.

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

5 951.23 County and municipal detention facilities;
6 definitions; administration; standards and requirements.--

7 (10) Nothing in this section prohibits the governing
8 board of a county or municipality to enter into an agreement
9 with the Department of Corrections authorizing the department
10 to inspect the local detention facilities under the
11 jurisdiction of the governing body. A governing board of a
12 county or municipality may enter into such agreements with the
13 department upon consultation with the sheriff if the sheriff
14 operates the detention facility. The inspections performed by
15 the department shall be consultatory in nature and for the
16 purpose of advising the local governing bodies concerning
17 compliance with the standards adopted by the detention
18 facility's chief correctional officer. Such agreements must
19 include, but are not limited to, provisions for the physical
20 and operational standards that were adopted by the chief
21 correctional officer of the detention facility, the manner and
22 frequency of inspections to be conducted by the department,
23 whether such inspections are to be announced or unannounced by
24 the department, the type of access the department may have to
25 the detention facility, and the amount of payment by the local
26 governing body, if any, for the services rendered by the
27 department. Inspections and access to local detention
28 facilities shall not interfere with custody of inmates or the
29 security of the facilities as determined by the chief
30 correctional officer of each facility. Any fees collected by
31 the department pursuant to such agreements must be deposited

1 into the Operating ~~Grants and Donations~~ Trust Fund and shall
2 be used to pay the cost of the services provided by the
3 department to monitor local detention facilities pursuant to
4 such agreements. This subsection shall be repealed effective
5 October 1, 1999.

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

7

8 *****

9 LEGISLATIVE SUMMARY

10

11 Modifies provisions of law relating to specified trust
12 funds and fund accounts within the Department of
13 Corrections. Provides sources of funds and purposes of
14 the Inmate Welfare Trust Fund, the Privately Owned
15 Institutions Inmate Welfare Trust Fund, and the Employee
16 Benefit Trust Fund within the department, provides for
17 annual appropriation of funds deposited in the Inmate
18 Welfare Trust Fund, and requires certain annual reports.
19 Provides for deposit of the department's administrative
20 processing fee in the department's Operating Trust Fund.
21 Revises provisions relating to fees for certification and
22 monitoring of batterers' intervention programs and
23 provides for deposit of such fees in the department's
24 Operating Trust Fund. Provides for deposit of contractual
25 service and inmate labor fees in the Correctional Work
26 Program Trust Fund. Provides for deposit of the
27 electronic monitoring surcharge in the department's
28 Operating Trust Fund. Provides for deposit of fees
29 collected pursuant to local detention facility inspection
30 agreements in the department's Operating Trust Fund. See
31 bill for details.

22

23

24

25

26

27

28

29

30

31