

By Senator Crist

20-286-98

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, is amended to read:

29 946.002 Requirement of labor; compensation; amount;
30 crediting of account of prisoner; forfeiture; civil rights;

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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 or her term of imprisonment~~
7 ~~as 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 section 946.002(1)(a), Florida
19 Statutes, that able-bodied prisoners work at least 40 hours
20 per week. It is the further intent of the Legislature to
21 provide the Department of Corrections with sufficient
22 flexibility in scheduling prisoner work to allow for and
23 accommodate the scheduling of education, job training, and
24 substance abuse programs for prisoners. Notwithstanding
25 chapter 946, Florida Statutes, or any other provision of law
26 or rule to the contrary, the Department of Corrections shall
27 adopt rules to implement the prisoner work requirement under
28 this act in 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 that are provided to
3 offenders pursuant to section 944.801, Florida Statutes,
4 relating to the Correctional Education Program; that are
5 provided to offenders for rehabilitative or other purposes
6 pursuant to section 20.315(1)(f), Florida Statutes; or that
7 offer offenders opportunities for earning a general
8 educational development certificate, vocational certificate,
9 or other form of educational attainment qualifying the inmate
10 for incentive gain-time pursuant to section 944.275(4)(d),
11 Florida Statutes.

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

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

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

1 food budget of the correctional facility which results from
2 the in-house farming program to offset any supervision costs
3 or other costs of implementing the prisoner work requirement
4 under this act.

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

14 Section 3. Notwithstanding section 440.15(9), Florida
15 Statutes, relating to workers' compensation for disability
16 when an employee becomes an inmate of a public institution, or
17 any other provision of law or rule, any workers' compensation
18 otherwise due or payable to a prisoner shall be used in whole
19 or in part to satisfy restitution ordered by a court of
20 competent jurisdiction to the victim of the criminal act,
21 child support, alimony, and operation cost of correctional
22 facility. Remaining workers' compensation moneys otherwise
23 due or payable to the prisoner shall be placed in the Crimes
24 Compensation Trust Fund for disposition pursuant to sections
25 960.01-960.28, Florida Statutes.

26 Section 4. This act shall take effect July 1, 1998.
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LEGISLATIVE 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.