

Bill No. CS/HB 3527

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1 Corrections, as applicable, shall pay any outstanding debts or
2 obligations of the terminated fund or account as soon as
3 practicable, and the Comptroller shall close out and remove
4 the terminated fund or account from the various state
5 accounting systems using generally accepted accounting
6 principles concerning warrants outstanding, assets, and
7 liabilities.

8 Section 2. Section 216.272, Florida Statutes, is
9 amended to read:

10 216.272 Working Capital Trust Funds.--

11 (1) There are hereby created Working Capital Trust
12 Funds for the purpose of providing sufficient funds for the
13 operation of data processing centers, which may include the
14 creation of a reserve account within the Working Capital Trust
15 Fund to pay for future information technology resource
16 acquisitions as appropriated by the Legislature. Such funds
17 shall be created from moneys budgeted for data processing
18 services and equipment by those agencies, ~~and the judicial~~
19 ~~branch,~~ to be served by the data processing center.

20 (2) The funds so allocated shall be in an amount
21 sufficient to finance the center's operation; however, each
22 agency ~~or judicial branch~~ served by the center shall
23 contribute an amount equal to its proportionate share of cost
24 of operating such data processing center. Each agency, ~~or the~~
25 ~~judicial branch,~~ utilizing the services of the data processing
26 center shall pay such moneys into the appropriate Working
27 Capital Trust Fund on a quarterly basis or such other basis as
28 may be determined by the Executive Office of the Governor ~~or~~
29 ~~the Chief Justice as appropriate.~~

30 Section 3. Section 945.215, Florida Statutes, is
31 amended to read:

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1 945.215 Inmate welfare and employee benefit trust
2 funds.--

3 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
4 CORRECTIONS.--

5 (a) The Inmate Welfare Trust Fund constitutes a trust
6 held by the department for the benefit and welfare of
7 offenders under the jurisdiction of the Department of
8 Corrections. Funds shall be credited to the trust fund as
9 follows:

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

18 2. All net proceeds from operating inmate canteens,
19 vending machines used primarily by inmates, hobby shops, and
20 other such facilities; however, funds necessary to moneys
21 budgeted by the department for the purchase of items for
22 resale at inmate canteens and or vending machines must be
23 deposited into local bank accounts designated by the
24 department. The department shall submit to the President of
25 the Senate and the Speaker of the House of Representatives by
26 January 1 of each year a report that documents the receipts
27 and expenditures, including a verification of telephone
28 commissions, from the Inmate Welfare Trust Fund for the
29 previous fiscal year. The report must present this information
30 by program, by institution, and by type of receipt.

31 3. All proceeds from contracted telephone commissions.

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- 1 The department shall develop and update, as necessary,
 2 administrative procedures to verify that:
- 3 a. Contracted telephone companies accurately record
 4 and report all telephone calls made by inmates incarcerated in
 5 correctional facilities under the department's jurisdiction;
- 6 b. Persons who accept collect calls from inmates are
 7 charged the contracted rate; and
- 8 c. The department receives the contracted telephone
 9 commissions.
- 10 4. Any funds that may be assigned by inmates or
 11 donated to the department by the general public or an inmate
 12 service organization; however, the department shall not accept
 13 any donation from, or on behalf of, any individual inmate.
- 14 5. Repayment of the one-time sum of \$500,000
 15 appropriated in fiscal year 1996-1997 from the Inmate Welfare
 16 Trust Fund for correctional work programs pursuant to s.
 17 946.008.
- 18 6. All proceeds from:
- 19 a. The confiscation and liquidation of any contraband
 20 found upon, or in the possession of, any inmate:
- 21 b. Disciplinary fines imposed against inmates;
 22 c. Forfeitures of inmate earnings; and
 23 d. Unexpended balances in individual inmate trust fund
 24 accounts of less than \$1.
- 25 7. All interest earnings and other proceeds derived
 26 from investments of funds deposited in the trust fund. In the
 27 manner authorized by law for fiduciaries, the secretary of the
 28 department, or the secretary's designee, may invest any funds
 29 in the trust fund when it is determined that such funds are
 30 not needed for immediate use.
- 31 (b) ~~Funds Beginning with the legislative appropriation~~

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1 ~~for fiscal year 1995-1996 and thereafter, the money in the~~
 2 ~~Inmate Welfare Trust Fund must be used exclusively for the~~
 3 ~~following purposes at correctional facilities operated~~
 4 ~~directly by the department:~~

5 1. To operate inmate canteens and vending machines,
 6 including purchasing ~~purchase~~ items for resale at the inmate
 7 canteens and or vending machines, ~~maintained at the~~
 8 ~~correctional facilities;~~

9 ~~2. employing~~ To employ personnel and inmates to
 10 manage, supervise, and operate inmate ~~the~~ canteens and vending
 11 machines, ~~at the correctional facilities;~~

12 ~~3. and covering other~~ For operating and fixed capital
 13 outlay expenses associated with operating ~~the operation of~~
 14 inmate canteens and vending machines;

15 ~~2.4.~~ To employ personnel to manage and supervise the
 16 proceeds from telephone commissions;

17 3. To develop, implement, and maintain the medical
 18 copayment accounting system;

19 ~~4.5.~~ To employ personnel for correctional education To
 20 provide literacy programs, vocational training programs, and
 21 educational ~~academic~~ programs that comply with standards of
 22 the Department of Education, including employing personnel and
 23 covering other;

24 ~~6.~~ For operating and fixed capital outlay expenses
 25 associated with providing such programs ~~the delivery to~~
 26 ~~inmates of literacy programs, vocational training, and~~
 27 ~~academic programs that comply with standards of the Department~~
 28 ~~of Education;~~

29 ~~5.7.~~ To operate inmate chapels, faith-based programs,
 30 visiting pavilions, libraries, and law libraries, including
 31 employing personnel and covering other ~~For~~ operating and fixed

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1 capital outlay expenses associated with operating the
 2 operation of inmate chapels, faith-based programs, visiting
 3 pavilions, libraries, and law libraries ~~visiting pavilions;~~

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

6 6.9. To provide for expenses associated with various
 7 inmate clubs;

8 7.10. To provide for expenses associated with legal
 9 services for inmates;

10 ~~8.11. To employ personnel~~ To provide inmate substance
 11 abuse treatment programs and transition and life skills
 12 training programs, including employing personnel and

13 ~~12. covering other~~ For operating and fixed capital
 14 outlay expenses associated with providing such programs the
 15 ~~delivery of inmate substance abuse treatment and transition~~
 16 ~~and life skills training programs.~~

17 (c) The Legislature shall annually appropriate the
 18 funds deposited in the Inmate Welfare Trust Fund. It is the
 19 intent of the Legislature that total annual expenditures for
 20 providing literacy programs, vocational training programs, and
 21 educational programs exceed the combined items listed in
 22 subparagraphs 5. and 6. must exceed the total annual
 23 expenditures for operating inmate chapels, faith-based
 24 programs, visiting pavilions, libraries, and law libraries,
 25 covering expenses associated with inmate clubs, and providing
 26 inmate substance abuse treatment programs and transition and
 27 life skills training programs ~~items listed in subparagraphs 7.~~
 28 ~~through 12.~~

29 (d) Funds in the Inmate Welfare Trust Fund or any
 30 other fund may not be used to purchase cable television
 31 service, to rent or purchase videocassettes, videocassette

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1 recorders, or other audiovisual or electronic equipment used
2 primarily for recreation purposes. This paragraph does not
3 preclude the purchase or rental of electronic or audiovisual
4 equipment for inmate training or educational programs. ~~The~~
5 ~~department shall develop administrative procedures to verify~~
6 ~~that contracted telephone commissions are being received, that~~
7 ~~persons who have accepted collect calls from inmates are being~~
8 ~~charged the contracted rate, and that contracted telephone~~
9 ~~companies are accurately and completely recording and~~
10 ~~reporting all inmate telephone calls made.~~

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

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

25 ~~(e) Any contraband found upon, or in the possession~~
26 ~~of, any inmate in any institution under the jurisdiction of~~
27 ~~the department shall be confiscated and liquidated, and the~~
28 ~~proceeds thereof shall be deposited in the Inmate Welfare~~
29 ~~Trust Fund of the department.~~

30 ~~(f) The secretary of the department or the secretary's~~
31 ~~designee may invest in the manner authorized by law for~~

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1 ~~fiduciaries any money in the Inmate Welfare Trust Fund of the~~
2 ~~department that in his or her opinion is not necessary for~~
3 ~~immediate use, and the interest earned and other increments~~
4 ~~derived from such investments made pursuant to this section~~
5 ~~shall be deposited in the Inmate Welfare Trust Fund of the~~
6 ~~department.~~

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

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

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

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

27 (a) For purposes of this subsection, privately
28 operated institutions or private correctional facilities are
29 those correctional facilities under contract with the
30 department pursuant to chapter 944 or the Correctional
31 Privatization Commission pursuant to chapter 957.

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

6 2. Funds in the Privately Operated Institutions Inmate
 7 Welfare Trust Fund shall be expended only pursuant to
 8 legislative appropriation.

9 (c) The Correctional Privatization Commission shall
 10 annually compile a report that documents Privately Operated
 11 Institutions Inmate Welfare Trust Fund receipts and
 12 expenditures at each private correctional facility. This
 13 report must specifically identify receipt sources and
 14 expenditures. The Correctional Privatization Commission shall
 15 compile this report for the prior fiscal year and shall submit
 16 the report by September 1 of each year to the chairs of the
 17 appropriate substantive and fiscal committees of the Senate
 18 and House of Representatives and to the Executive Office of
 19 the Governor.

20 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
 21 CORRECTIONS.--

22 (a) The department may establish an Employee Benefit
 23 Trust Fund. Trust fund sources may be derived from any of the
 24 following:

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

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

29 3.(c) Additional trust funds and grants which may
 30 become available.

31 (b) Funds from the Employee Benefit Trust Fund Such

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1 ~~fund shall be maintained and audited separately and apart from~~
2 ~~the Inmate Welfare Trust Fund. Portions of the fund may be~~
3 ~~used to construct, operate, and maintain training and~~
4 ~~recreation facilities at correctional facilities for the~~
5 ~~exclusive use of department employees ~~respective institutions.~~~~
6 ~~Such facilities are shall be the property of the department~~
7 ~~and must shall provide the maximum benefit to all interested~~
8 ~~employees, regardless of gender of both sexes, including~~
9 ~~teachers, clerical staff, medical and psychological services~~
10 ~~personnel, and officers and administrators.~~

11 Section 4. Paragraph (d) of subsection (2) of section
12 944.803, Florida Statutes, is amended to read:

13 944.803 Faith-based programs for inmates.--

14 (2) It is the intent of the Legislature that the
15 Department of Corrections and the private vendors operating
16 private correctional facilities shall continuously:

17 (d) Fund through the use of ~~the~~ inmate welfare trust
18 funds fund pursuant to s. 945.215 an adequate number of
19 chaplains and support staff to operate faith-based chaplaincy
20 programs in ~~state~~ correctional institutions.

21 Section 5. Section 945.31, Florida Statutes, is
22 amended to read:

23 945.31 Restitution and other payments.--The department
24 may establish bank accounts outside the State Treasury for the
25 purpose of collecting and disbursing restitution and other
26 court-ordered payments from persons in its custody or under
27 its supervision, and may collect an administrative processing
28 fee in an amount equal to 4 percent of the gross amounts of
29 such payments. Such administrative processing fee shall be
30 deposited in the department's Operating Grants and Donations
31 Trust Fund and shall be used to offset the cost of the

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1 department's services.

2 Section 6. Section 945.76, Florida Statutes, is
3 amended to read:

4 945.76 Certification and monitoring of batterers'
5 intervention programs; fees.--

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

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

13 (b) An annual certification fee not to exceed \$200 for
14 the certification and monitoring of assessment personnel
15 providing direct services to persons who:

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

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

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

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

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

30 (3) The fees assessed and collected under this section
31 ~~fee~~ shall be deposited in the department's Operating Grants

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1 ~~and Donations~~ Trust Fund ~~to be used by the department~~ to fund
2 the cost of certifying and monitoring batterers' intervention
3 programs.

4 Section 7. Subsection (7) of section 944.10, Florida
5 Statutes, is amended to read:

6 944.10 Department of Corrections to provide buildings;
7 sale and purchase of land; contracts to provide services and
8 inmate labor.--

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

20 Section 8. Subsection (2) of section 948.09, Florida
21 Statutes, is amended to read:

22 948.09 Payment for cost of supervision and
23 rehabilitation.--

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

31 Section 9. Subsection (10) of section 951.23, Florida

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1 Statutes, is amended to read:

2 951.23 County and municipal detention facilities;
3 definitions; administration; standards and requirements.--

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

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1 such agreements. This subsection shall be repealed effective
2 October 1, 1999.

3 Section 10. There is appropriated \$550,000 from the
4 Inmate Welfare Trust Fund to the Department of Corrections for
5 the New Horizon Community Mental Health Center's Family
6 Intervention, Preservation, and Support Program for fiscal
7 year 1998-1999.

8 Section 11. There is appropriated \$770,000 from the
9 Inmate Welfare Trust Fund to the Department of Corrections for
10 the fixed capital outlay needs of the AGAPE program in Dade
11 County, including the purchase of new housing units and
12 renovations to existing AGAPE facilities, for fiscal year
13 1998-1999.

14
15 (Redesignate subsequent sections.)

16
17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, line 2, delete that line

21
22 and insert:

23 An act relating to corrections; terminating
24 specified trust funds and fund accounts within
25 the state courts system and the Department of
26 Corrections; providing for the transfer of
27 current balances to general revenue, the paying
28 of outstanding debts and obligations, and the
29 removal of the terminated funds and accounts
30 from the various state accounting systems;
31 modifying provisions relating to specified

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1 trust funds and fund accounts within the state
2 courts system and the Department of
3 Corrections; amending s. 216.272, F.S.,
4 relating to Working Capital Trust Funds used to
5 fund data processing centers; removing
6 reference to the judicial branch; amending s.
7 945.215, F.S.; providing sources of funds and
8 purposes of the Inmate Welfare Trust Fund, the
9 Privately Owned Institutions Inmate Welfare
10 Trust Fund, and the Employee Benefit Trust Fund
11 within the department; providing for annual
12 appropriation of funds deposited in the Inmate
13 Welfare Trust Fund; requiring certain annual
14 reports; amending s. 944.803, F.S., relating to
15 faith-based programs for inmates; revising a
16 reference, to conform; amending s. 945.31,
17 F.S.; providing for deposit of the department's
18 administrative processing fee in the
19 department's Operating Trust Fund; amending s.
20 945.76, F.S.; revising provisions relating to
21 fees for certification and monitoring of
22 batterers' intervention programs; providing for
23 deposit of such fees in the department's
24 Operating Trust Fund; amending s. 944.10, F.S.;
25 providing for deposit of contractual service
26 and inmate labor fees in the Correctional Work
27 Program Trust Fund; amending s. 948.09, F.S.;
28 providing for deposit of the electronic
29 monitoring surcharge in the department's
30 Operating Trust Fund; amending s. 951.23, F.S.;
31 providing for deposit of fees collected

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1 pursuant to local detention facility inspection
2 agreements in the department's Operating Trust
3 Fund; amending s. 951.23,
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