

Bill No. SB 404

Amendment No.     

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|---------------|----------------|--------------|
|               | CHAMBER ACTION |              |
| <u>Senate</u> |                | <u>House</u> |

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Senator Silver moved the following amendment:

**Senate Amendment (with title amendment)**

On page 1, line 8,

insert:

Section 1. (1) The following trust funds and fund accounts are terminated on July 1, 1998:

(a) Within the state courts system:

1. Appellate Opinion Distribution Trust Fund, SAMAS number 222215.

2. Working Capital Trust Fund, SAMAS number 222792.

(b) Within the Department of Corrections:

1. Hurricane Andrew Recovery and Rebuilding Trust Fund, SAMAS number 702205.

2. Working Capital Trust Fund, SAMAS number 702792.

(2) All current balances remaining in, and all revenues of, the trust funds and fund accounts terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund or fund account terminated by this act, the state courts system or Department of

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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.)

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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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