

Bill No. SB 404
Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Silver moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 1, lines 20 and 21, delete those lines		
15			
16	and insert:		
17	Section 2. Section 945.215, Florida Statutes, is		
18	amended to read:		
19	945.215 Inmate welfare and employee benefit trust		
20	funds.--		
21	(1) <u>INMATE WELFARE TRUST FUND; DEPARTMENT OF</u>		
22	<u>CORRECTIONS.--</u>		
23	(a) <u>The Inmate Welfare Trust Fund constitutes a trust</u>		
24	<u>held by the department for the benefit and welfare of</u>		
25	<u>offenders under the jurisdiction of the Department of</u>		
26	<u>Corrections. Funds shall be credited to the trust fund as</u>		
27	<u>follows:</u>		
28	1. All <u>funds</u> moneys held in any auxiliary, canteen,		
29	welfare, or similar fund in any <u>correctional facility</u> state		
30	institution under the jurisdiction of the Department of		
31	Corrections shall be deposited in the Inmate Welfare Trust		

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1 ~~Fund of the department, which fund is created in the State~~
2 ~~Treasury, to be appropriated annually by the Legislature and~~
3 ~~deposited in the Department of Corrections Grants and~~
4 ~~Donations Trust Fund.~~

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

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

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

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

26 c. The department receives the contracted telephone
27 commissions.

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

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1 5. Repayment of the one-time sum of \$500,000
 2 appropriated in the 1996-1997 fiscal year from the Inmate
 3 Welfare Trust Fund for correctional work programs under s.
 4 946.008.

5 6. All proceeds from:
 6 a. The confiscation and liquidation of any contraband
 7 found upon, or in the possession of, any inmate;
 8 b. Disciplinary fines imposed against inmates;
 9 c. Forfeiture of inmate earnings; and
 10 d. Unexpended balances in individual inmate trust fund
 11 accounts of less than \$1.

12 7. All interest, earnings, and other proceeds derived
 13 from the investment of funds deposited into the Inmate Welfare
 14 Trust Fund. In the manner authorized by law for fiduciaries,
 15 the Secretary of Corrections, or the secretary's designee, may
 16 invest any funds in the Inmate Welfare Trust Fund if the
 17 secretary determines that such funds are not needed for
 18 immediate use.

19 (b) Funds Beginning with the legislative appropriation
 20 for fiscal year 1995-1996 and thereafter, the money in the
 21 Inmate Welfare Trust Fund must be used exclusively for the
 22 following purposes at correctional facilities under the
 23 jurisdiction of the department:

24 1. To operate inmate canteens and vending machines,
 25 including purchasing ~~purchase~~ items for resale at the inmate
 26 canteens and ~~or~~ vending machines ~~maintained at the~~
 27 correctional facilities; employing

28 2. ~~To employ~~ personnel and inmates to manage,
 29 supervise, and operate inmate ~~the~~ canteens and vending
 30 machines ~~at the correctional facilities;~~ and

31 3. ~~for~~ paying other operating and fixed-capital outlay

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1 expenses associated with operating ~~the operation of~~ inmate
2 canteens and vending machines.†

3 ~~2.4.~~ To employ personnel to manage and supervise the
4 proceeds from telephone commissions.†

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

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

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

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

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

26 6.9. For expenses associated with various inmate
27 clubs.†

28 ~~7.10.~~ For expenses associated with legal services for
29 inmates.†

30 8.11. To ~~employ personnel to provide inmate~~ substance
31 abuse treatment programs for inmates and programs in and

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1 transition and life skills, including employing personnel and
2 paying training programs; and

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

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

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

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1 ~~(c) There shall be deposited in the Inmate Welfare~~
2 ~~Trust Fund all net proceeds from the operation of canteens,~~
3 ~~vending machines, hobby shops, and other such facilities and~~
4 ~~any moneys that may be assigned by the inmates or donated to~~
5 ~~the department by the general public or an inmate service~~
6 ~~organization for deposit in the fund. However, the department~~
7 ~~shall refuse to accept any donations from or on behalf of any~~
8 ~~individual inmate. The moneys of the fund shall constitute a~~
9 ~~trust held by the department for the benefit and welfare of~~
10 ~~the inmates of the institutions under the jurisdiction of the~~
11 ~~department.~~

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

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

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

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

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

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

15 (2) INMATE WELFARE FUNDS; PRIVATE CORRECTIONAL
16 FACILITIES.--

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

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

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

30 a. Operating inmate canteens and vending machines,
31 including purchasing items for resale at inmate canteens and

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1 vending machines; employing personnel and inmates to manage,
2 supervise, and operate inmate canteens and vending machines;
3 and paying other operating and fixed-capital outlay expenses
4 associated with operating inmate canteens and vending
5 machines.

6 b. Employing personnel to manage and supervise the
7 proceeds from telephone commissions.

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

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

19 e. Paying expenses associated with various inmate
20 clubs.

21 f. Paying expenses associated with legal services for
22 inmates.

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

28
29 It is the intent of the Legislature that total annual
30 expenditures for providing literacy programs, vocational
31 training programs, and educational programs exceed the

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1 combined total annual expenditures for operating inmate
 2 chapels, chaplaincy programs, visiting pavilions, libraries,
 3 and law libraries; paying expenses associated with inmate
 4 clubs; and providing substance abuse treatment programs and
 5 training programs in transition and life skills.

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

16 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
 17 CORRECTIONS.--

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

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

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

25 3.(c) Additional trust funds and grants which may
 26 become available.

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

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1 exclusive use of department employees ~~respective institutions.~~
2 Such facilities are ~~shall be~~ the property of the department
3 and must ~~shall~~ provide the maximum benefit to all interested
4 employees, regardless of gender ~~of both sexes, including~~
5 ~~teachers, clerical staff, medical and psychological services~~
6 ~~personnel, and officers and administrators.~~

7 Section 3. Section 945.31, Florida Statutes, is
8 amended to read:

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

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

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

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

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1 department may charge fees for providing such services. All
2 fees collected must be placed in the Correctional Work Program
3 ~~Grants and Donations~~ Trust Fund.

4 Section 5. 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 may ~~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~~
13 ~~of Certification and Monitoring of Batterers' Intervention~~
14 ~~Programs and~~

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

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

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

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

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

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

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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 6. 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 7. 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

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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 8. There is appropriated \$550,000 from the
22 Inmate Welfare Trust Fund to the Department of Corrections for
23 the New Horizon Community Mental Health Center's Family
24 Intervention, Preservation, and Support Program for fiscal
25 year 1998-1999.

26 Section 9. There is appropriated \$770,000 from the
27 Inmate Welfare Trust Fund to the Department of Corrections for
28 the fixed capital outlay needs of the AGAPE program in Dade
29 County, including the purchase of new housing units and
30 renovations to existing AGAPE facilities, for fiscal year
31 1998-1999.

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1 Section 10. This act shall take effect July 1, 1998.

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3

4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, lines 2-5, delete those lines

7

8 and insert:

9 An act relating to corrections; amending s.
10 951.23, F.S.; providing a criminal penalty for
11 refusing to obey jail rules and regulations;
12 amending s. 945.215, F.S.; providing for the
13 Inmate Welfare Trust Fund to be for the benefit
14 of inmates in the department's correctional
15 facilities; requiring that certain additional
16 funds be deposited into the trust fund;
17 authorizing the Secretary of Corrections to
18 invest funds in the Inmate Welfare Trust Fund;
19 authorizing the use of moneys in the Inmate
20 Welfare Trust Fund for certain additional
21 purposes; authorizing moneys in the trust fund
22 to be used for operating inmate chapels,
23 chaplancy programs, visiting pavilions,
24 libraries, and law libraries; providing for the
25 use of the proceeds derived from canteens and
26 similar sources within private correctional
27 facilities; providing legislative intent;
28 requiring that such moneys be used exclusively
29 for specified purposes; revising requirements
30 for the Employee Benefit Trust Fund within the
31 Department of Corrections; amending s. 945.31,

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1 F.S.; providing for restitution and other
2 payments to be deposited into the department's
3 Operating Trust Fund rather than the Grants and
4 Donations Trust Fund; amending s. 944.10, F.S.;
5 providing for certain fees charged by the
6 department for inmate labor to be deposited
7 into the Correctional Work Program Trust Fund
8 rather than the Grants and Donations Trust
9 Fund; amending ss. 945.76, 948.09, 951.23,
10 F.S.; providing for certain fees assessed by
11 the department against a batterers'
12 intervention program, the surcharge paid to the
13 department for electronic monitoring, and fees
14 paid to the department for inspecting local
15 detention facilities to be deposited into the
16 department's Operating Trust Fund rather than
17 the Grants and Donations Trust Fund; providing
18 an effective date.

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