

By the Committee on Criminal Justice Appropriations and  
Representative Villalobos

1                                   A bill to be entitled  
2           An act relating to criminal justice trust  
3           funds; terminating specified trust funds and  
4           fund accounts within the state courts system  
5           and the Department of Corrections; providing  
6           for the transfer of current balances to general  
7           revenue, the paying of outstanding debts and  
8           obligations, and the removal of the terminated  
9           funds and accounts from the various state  
10          accounting systems; modifying provisions  
11          relating to specified trust funds and fund  
12          accounts within the state courts system and the  
13          Department of Corrections; amending s. 216.272,  
14          F.S., relating to Working Capital Trust Funds  
15          used to fund data processing centers; removing  
16          reference to the judicial branch; amending s.  
17          945.215, F.S.; providing sources of funds and  
18          purposes of the Inmate Welfare Trust Fund, the  
19          Privately Owned Institutions Inmate Welfare  
20          Trust Fund, and the Employee Benefit Trust Fund  
21          within the department; providing for annual  
22          appropriation of funds deposited in the Inmate  
23          Welfare Trust Fund; requiring certain annual  
24          reports; amending s. 944.803, F.S., relating to  
25          faith-based programs for inmates; revising a  
26          reference, to conform; amending s. 945.31,  
27          F.S.; providing for deposit of the department's  
28          administrative processing fee in the  
29          department's Operating Trust Fund; amending s.  
30          945.76, F.S.; revising provisions relating to  
31          fees for certification and monitoring of

1 batterers' intervention programs; providing for  
2 deposit of such fees in the department's  
3 Operating Trust Fund; amending s. 944.10, F.S.;  
4 providing for deposit of contractual service  
5 and inmate labor fees in the Correctional Work  
6 Program Trust Fund; amending s. 948.09, F.S.;  
7 providing for deposit of the electronic  
8 monitoring surcharge in the department's  
9 Operating Trust Fund; amending s. 951.23, F.S.;  
10 providing for deposit of fees collected  
11 pursuant to local detention facility inspection  
12 agreements in the department's Operating Trust  
13 Fund; providing an effective date.

14

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

16

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

19 (a) Within the state courts system:

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

22 2. Working Capital Trust Fund, SAMAS number 222792.

23 (b) Within the Department of Corrections:

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

26 2. Working Capital Trust Fund, SAMAS number 702792.

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

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

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:

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 inmates  
7 incarcerated in correctional facilities operated directly by  
8 the department. 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.~~

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

1           (b) Funds Beginning with the legislative appropriation  
2 for fiscal year 1995-1996 and thereafter, the money in the  
3 Inmate Welfare Trust Fund must be used exclusively for the  
4 following purposes at correctional facilities operated  
5 directly by the department:

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

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

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

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

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

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

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

30           ~~5.7.~~ To operate inmate chapels, faith-based programs,  
31 visiting pavilions, libraries, and law libraries, including

1 employing personnel and covering other ~~For~~ operating and fixed  
2 capital outlay expenses associated with operating the  
3 ~~operation of~~ inmate chapels, faith-based programs, visiting  
4 pavilions, libraries, and law libraries ~~visiting pavilions;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29       (a) For purposes of this subsection, privately  
30 operated institutions or private correctional facilities are  
31 those correctional facilities under contract with the

1 department pursuant to chapter 944 or the Correctional  
2 Privatization Commission pursuant to chapter 957.

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

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

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

22 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF  
23 CORRECTIONS.--

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

27 1.~~(a)~~ Proceeds of vending machines or other such  
28 services not intended for use by inmates.

29 2.~~(b)~~ Donations, except donations by, or on behalf of,  
30 an individual inmate.

31

1           ~~3.(c)~~ Additional trust funds and grants which may  
2 become available.

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

14           Section 4. Paragraph (d) of subsection (2) of section  
15 944.803, Florida Statutes, is amended to read:

16           944.803 Faith-based programs for inmates.--

17           (2) It is the intent of the Legislature that the  
18 Department of Corrections and the private vendors operating  
19 private correctional facilities shall continuously:

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

24           Section 5. Section 945.31, Florida Statutes, is  
25 amended to read:

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

1 such payments. Such administrative processing fee shall be  
2 deposited in the department's Operating Grants and Donations  
3 Trust Fund and shall be used to offset the cost of the  
4 department's services.

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

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

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

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

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

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

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

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

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

28 (2) All persons required by the court to attend  
29 domestic violence programs certified by the Department of  
30 Corrections' Office of Certification and Monitoring of  
31

1 Batterers' Intervention Programs shall pay an additional \$30  
2 fee for each 29-week program to the Department of Corrections.

3       (3) The fees assessed and collected under this section  
4 ~~fee~~ shall be deposited in the department's Operating Grants  
5 ~~and Donations~~ Trust Fund ~~to be used by the department~~ to fund  
6 the cost of certifying and monitoring batterers' intervention  
7 programs.

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

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

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

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

26       948.09 Payment for cost of supervision and  
27 rehabilitation.--

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

1 The surcharge shall be deposited in the Operating Grants and  
2 ~~Donations~~ Trust Fund to be used by the department for  
3 purchasing and maintaining electronic monitoring devices.

4 Section 9. Subsection (10) of section 951.23, Florida  
5 Statutes, is amended to read:

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

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

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

7 Section 10. This act shall take effect July 1 of the  
8 year in which enacted.

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HOUSE SUMMARY

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13 Terminates specified trust funds and fund accounts within  
14 the state courts system and the Department of  
15 Corrections, and provides for the transfer of current  
16 balances to general revenue, the paying of outstanding  
17 debts and obligations, and the removal of the terminated  
18 funds and accounts from the various state accounting  
19 systems. Modifies provisions of law relating to specified  
20 trust funds and fund accounts within the state courts  
21 system and the Department of Corrections. Removes  
22 reference to the judicial branch in provisions relating  
23 to Working Capital Trust Funds used to fund data  
24 processing centers. Provides sources of funds and  
25 purposes of the Inmate Welfare Trust Fund, the Privately  
26 Owned Institutions Inmate Welfare Trust Fund, and the  
27 Employee Benefit Trust Fund within the department,  
28 provides for annual appropriation of funds deposited in  
29 the Inmate Welfare Trust Fund, and requires certain  
30 annual reports. Provides for deposit of the department's  
31 administrative processing fee in the department's  
Operating Trust Fund. Revises provisions relating to fees  
for certification and monitoring of batterers'  
intervention programs and provides for deposit of such  
fees in the department's Operating Trust Fund. Provides  
for deposit of contractual service and inmate labor fees  
in the Correctional Work Program Trust Fund. Provides for  
deposit of the electronic monitoring surcharge in the  
department's Operating Trust Fund. Provides for deposit  
of fees collected pursuant to local detention facility  
inspection agreements in the department's Operating Trust  
Fund. See bill for details.

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