

By the Committee on Criminal Justice and Senators Silver and Klein

307-1996A-99

1 A bill to be entitled
2 An act relating to corrections; amending s.
3 944.801, F.S.; requiring the Department of
4 Corrections to reevaluate vocational education
5 programs; requiring the department to develop a
6 plan to provide academic and vocational classes
7 more frequently; authorizing certain minors to
8 receive and participate in educational services
9 without parental consent; amending s. 946.002,
10 F.S.; amending labor requirements pertaining to
11 inmates; amending ss. 946.31, 946.32, 946.33,
12 F.S.; conforming funding provisions; amending
13 s. 946.504, F.S.; providing for the Board of
14 Trustees of the Internal Improvement Trust Fund
15 to enter into leases with the corporation set
16 up under this section to operate correctional
17 work programs; providing authority for the
18 corporation to use tax-exempt financing for
19 constructing facilities for work programs;
20 requiring the state to retain a secured
21 interest equal to the pro rata portion of the
22 state's investment; amending s. 946.515, F.S.;
23 amending provisions specifying which
24 commodities may be produced and sold by the
25 corporation; creating s. 946.205, F.S.;
26 providing for responsibilities of the
27 Department of Corrections for cultivating and
28 selling food items and for supervising certain
29 work activities of inmates; creating s.
30 946.523, F.S.; providing for prison industry
31 enhancement (PIE) programs; providing purposes

1 and objectives of the programs; requiring
2 workers' compensation coverage to be provided
3 to inmates who participate in the programs;
4 providing that inmates are not entitled to
5 unemployment compensation; providing that this
6 section is inapplicable to correctional work
7 programs operated under ss. 946.502-946.517,
8 F.S.; creating s. 946.524, F.S.; providing for
9 the corporation to establish work camps;
10 providing for the corporation to designate
11 certain lands as the sites for such work camps;
12 providing that the corporation may use certain
13 inmates as workers in the work camps and may
14 enter into contracts, as specified, to operate
15 the work camps; amending s. 320.06, F.S.;
16 amending provisions relating to manufacturing
17 certain tags and decals for the Department of
18 Highway Safety and Motor Vehicles; repealing
19 ss. 946.006, 946.0061, 946.007, 946.008,
20 946.21, 946.519, F.S., relating to correctional
21 work programs, the inapplicability of s.
22 946.006(4), F.S., to those programs,
23 correctional work program objectives, financing
24 correctional work programs, penalties for
25 selling goods made by prisoners, and the use of
26 goods and services produced in correctional
27 work programs; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Subsection (3) of section 944.801, Florida
2 Statutes, is amended, present subsection (4) of that section
3 is redesignated as subsection (5), and a new subsection (4) is
4 added to that section, to read:

5 944.801 Education for state prisoners.--

6 (3) The responsibilities of the Correctional Education
7 Program shall be to:

8 (a) Develop guidelines for collecting
9 education-related information during the inmate reception
10 process and for disseminating such information to the
11 classification staff of the Department of Corrections. The
12 information collected shall include the inmate's areas of
13 educational or vocational interest, vocational skills, and
14 level of education.

15 (b) In cooperation with the Department of Education,
16 pursuant to s. 229.565, monitor and assess all inmate
17 education program services and report the results of such
18 evaluation in the annual report of activities.

19 (c) In cooperation with the Department of Education,
20 pursuant to s. 229.8075, develop complete and reliable
21 statistics on the educational histories, the city/intracity
22 area and school district where the inmate was domiciled prior
23 to incarceration, the participation in state educational and
24 training programs, and the occupations of inmates confined to
25 state correctional facilities. The compiled statistics shall
26 be summarized and analyzed in the annual report of
27 correctional educational activities required by paragraph (f).

28 (d) Approve educational programs of the appropriate
29 levels and types in the correctional institutions and develop
30 procedures for the admission of inmate students thereto.

31

1 (e) Enter into agreements with public or private
2 school districts, entities, community colleges, junior
3 colleges, colleges, or universities as may be deemed
4 appropriate for the purpose of carrying out its duties and
5 responsibilities and ensure that agreements require minimum
6 performance standards and standards for measurable objectives,
7 in accordance with established Department of Education
8 standards.

9 (f) Report annual activities to the Secretary of
10 Corrections, the Commissioner of Education, the Governor, and
11 the Legislature.

12 (g) Develop and maintain complete and reliable
13 statistics on the number of general educational development
14 (GED) certificates and vocational certificates issued by each
15 institution in each skill area, the change in inmate literacy
16 levels, and the number of inmate admissions to and withdrawals
17 from education courses. The compiled statistics shall be
18 summarized and analyzed in the annual report of correctional
19 education activities required by paragraph (e).

20 (h) Develop a written procedure for selecting programs
21 to add to or delete from the vocational curriculum. The
22 procedure shall include labor market analyses which
23 demonstrate the projected demand for certain occupations and
24 the projected supply of potential employees. In conducting
25 these analyses, the department shall evaluate the feasibility
26 of adding vocational education programs which have been
27 identified by the Department of Labor and Employment Security
28 or a regional coordinating council as being in undersupply in
29 this state. The department shall periodically reevaluate the
30 vocational education programs in major institutions to
31 determine which of the programs support and provide relevant

1 skills to inmates who could be assigned to a correctional work
2 program that is operated as a Prison Industry Enhancement
3 Program.

4 (i) Ensure that every inmate who has 2 years or more
5 remaining to serve on his or her sentence at the time that he
6 or she is received at an institution and who lacks basic and
7 functional literacy skills as defined in s. 239.105 attends
8 not fewer than 150 hours of sequential instruction in a
9 correctional adult basic education program. The basic and
10 functional literacy level of an inmate shall be determined by
11 the average composite test score obtained on a test approved
12 for this purpose by the State Board of Education.

13 1. Upon completion of the 150 hours of instruction,
14 the inmate shall be retested and, if a composite test score of
15 functional literacy is not attained, the department is
16 authorized to require the inmate to remain in the
17 instructional program.

18 2. Highest priority of inmate participation shall be
19 focused on youthful offenders and those inmates nearing
20 release from the correctional system.

21 3. An inmate shall be required to attend the 150 hours
22 of adult basic education instruction unless such inmate:

23 a. Is serving a life sentence or is under sentence of
24 death.

25 b. Is specifically exempted for security or health
26 reasons.

27 c. Is housed at a community correctional center, road
28 prison, work camp, or vocational center.

29 d. Attains a functional literacy level after
30 attendance in fewer than 150 hours of adult basic education
31 instruction.

1 e. Is unable to enter such instruction because of
2 insufficient facilities, staff, or classroom capacity.

3 4. The Department of Corrections shall provide classes
4 to accommodate those inmates assigned to correctional or
5 public work programs after normal working hours. The
6 department shall develop a plan to provide academic and
7 vocational classes on a more frequent basis and at times that
8 accommodate the increasing number of inmates with work
9 assignments, to the extent that resources permit.

10 5. If an inmate attends and actively participates in
11 the 150 hours of instruction, the Department of Corrections
12 may grant a one-time award of up to 6 additional days of
13 incentive gain-time, which must be credited and applied as
14 provided by law. Active participation means, at a minimum,
15 that the inmate is attentive, responsive, cooperative, and
16 completes assigned work.

17 (j) Recommend the award of additional incentive
18 gain-time for inmates who receive a general educational
19 development certificate or a vocational certificate.

20 (k) Ensure that all education staff are certified in
21 accordance with the Department of Education standards.

22 (l) Develop goals and objectives relating to all
23 phases of the correctional education program.

24 (4) Minors who are adjudicated as an adult and who are
25 in the custody or under the supervision of the Department of
26 Corrections may receive and participate in educational
27 services provided within the department without the parental
28 consent of the minors.

29 Section 2. Paragraph (a) of subsection (1) of section
30 946.002, Florida Statutes, is amended to read:

31

1 946.002 Requirement of labor; compensation; amount;
2 crediting of account of prisoner; forfeiture; civil rights;
3 prisoner not employee or entitled to compensation insurance
4 benefits.--

5 (1)(a) The department shall require of every
6 able-bodied prisoner imprisoned in any institution as many
7 hours of faithful labor in each day and every day during his
8 or her term of imprisonment as shall be prescribed by the
9 rules of the department. Every able-bodied prisoner
10 classified as medium custody or minimum custody who does not
11 satisfactorily participate in any institutional work programs,
12 correctional work programs, prison industry enhancement (PIE)
13 programs,academic programs, or vocational programs shall be
14 required to perform work for such political subdivisions of
15 the state as might have entered into agreement with the
16 department pursuant to s. 946.40.

17 Section 3. Section 946.31, Florida Statutes, is
18 amended to read:

19 946.31 Sources of fund.--If ~~Should~~ any general service
20 operation of an institution is ~~be~~ transferred to the
21 ~~correctional~~ work program operation by the Department of
22 Corrections, all assets and liabilities of such operation
23 shall become a part of the Correctional Work Program Trust
24 Fund. All income, receipts, earnings, and profits from ~~the~~
25 ~~correctional~~ work programs operated by the department
26 ~~authorized pursuant to s. 946.006~~ shall ~~hereafter~~ be credited
27 to the Correctional Work Program Trust Fund, to be used for
28 the purposes ~~herein~~ set forth; however, if the earned surplus
29 in the fund at the end of any fiscal year exceeds \$5 million,
30 one-half of such amount as is determined by the Auditor
31 General to be in excess of this amount shall be deposited in

1 the General Revenue Fund, and the other half shall be used
2 ~~utilized~~ by the department for the expansion and improvement
3 of inmate work programs ~~the correctional work program~~.

4 Section 4. Section 946.32, Florida Statutes, is
5 amended to read:

6 946.32 Use of fund.--Except as otherwise provided by
7 law, the funds shall be used for the purposes of financing the
8 operation of inmate ~~the correctional~~ work programs herein set
9 forth, and all costs of operation of such ~~correctional~~ work
10 programs shall be paid from this fund, including compensation
11 of all personnel whose time or proportion of time is devoted
12 to such work program operations. The Department of Corrections
13 shall establish budgeting and cost accounting procedures to
14 provide comparative analysis of each work program unit. The
15 department shall prepare and issue annual consolidated and
16 individual institution financial statements, including, but
17 not limited to, balance sheets and operating statements for
18 ~~the correctional~~ work programs. Any withdrawals from the
19 Correctional Work Program Trust Fund which do not relate to
20 the operation of inmate ~~the correctional~~ work programs ~~program~~
21 shall be identified separately in the operating statements.
22 The Department of Corrections shall have the authority to use
23 moneys in the Correctional Work Program Trust Fund to enter
24 into lease-purchase agreements for the lease of fixtures and
25 equipment over periods of time exceeding the current fiscal
26 year. The department shall have the authority to construct
27 buildings or make capital improvements for the operation of
28 the said work programs. The ownership of any permanent
29 enhancements made to facilities or work programs is vested in
30 the Department of Corrections.

31

1 Section 5. Section 946.33, Florida Statutes, is
2 amended to read:

3 946.33 Disbursements from fund.--The funds in the
4 Correctional Work Program Trust Fund shall be deposited in the
5 State Treasury and paid out only on warrants drawn by the
6 Comptroller, duly approved by the Department of Corrections.
7 The department shall maintain all necessary records and
8 accounts relative to such funds.

9 Section 6. Subsection (1) of section 946.504, Florida
10 Statutes, is amended and subsection (8) is added to that
11 section, to read:

12 946.504 Organization of corporation to operate
13 correctional work programs; lease of facilities.--

14 (1) The department shall lease buildings and land to
15 the nonprofit corporation authorized to operate the
16 correctional work programs, the members of which are appointed
17 by the Governor and confirmed by the Senate. The same
18 appointment process shall be followed to fill any vacancy. The
19 corporation shall be organized pursuant to chapter 617 and
20 shall possess all the powers granted by that chapter. The
21 Board of Trustees of the Internal Improvement Trust Fund shall
22 enter into leases directly with the corporation, for a period
23 of at least 20 years, for the lease of the lands that are
24 currently under sublease with the department and used by the
25 corporation for correctional work programs and that are
26 identified as subject to lease numbers 3513, 2946, 2675, 2937,
27 2673, and 2671 with the Board of Trustees of the Internal
28 Improvement Trust Fund. Any additional improvements to such
29 property leased by the corporation from the Board of Trustees
30 must have the prior approval of the Board of Trustees of the
31 Internal Improvement Trust Fund.

1 (8) Notwithstanding any provision to the contrary, the
2 corporation is authorized to use tax-exempt financing through
3 the issuance of tax-exempt bonds, certificates of
4 participation, lease-purchase agreements, or other tax-exempt
5 financing methods for the purpose of constructing facilities
6 or making capital improvements for correctional work programs
7 and prison industry enhancement programs on state-owned land
8 within state correctional institutions. Such tax-exempt
9 financing may be funded by the General Appropriations Act. If
10 the corporation obtains tax-exempt financing, the state
11 retains a secured interest by holding a lien against any
12 structure or improvement for which tax-exempt financing or
13 state funds are used. The corporation shall include a
14 provision in its financing contract requiring that a lien be
15 filed by the Department of Corrections, on behalf of the
16 state, in order to procure the issuance of tax-exempt bonds or
17 certificates of participation; to enter into lease-purchase
18 agreements; or to obtain any other tax-exempt financing
19 methods for the construction or renovation of facilities
20 related to correctional work programs or prison industry
21 enhancement programs. The lien shall be against the property
22 where any facility or structure is located which has been
23 constructed or substantially renovated, in whole or in part,
24 through the use of state funds. However, there is no
25 requirement for the Department of Corrections to file a lien
26 if the amount of state funds does not exceed \$25,000 or 10
27 percent of the contract amount, whichever is less. The lien
28 must be recorded, upon the execution of the contract
29 authorizing such construction or renovation, in the county
30 where the property is located. The lien must specify that the
31 Department of Corrections has a financial interest in the

1 property equal to the pro rata portion of the state's original
2 investment of the then-fair-market value of the construction.
3 The lien must also specify that the Department of Corrections'
4 financial interest is proportionately reduced and subsequently
5 vacated over a 20-year period of depreciation. The contract
6 must include a provision that as a condition of receipt of
7 state funding for this purpose, the corporation agrees that,
8 if it disposes of the property before the state's interest is
9 vacated, the corporation will refund the proportionate share
10 of the state's initial investment, as adjusted by
11 depreciation.

12 Section 7. Subsection (3) of section 946.515, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 946.515 Use of goods and services produced in
15 correctional work programs.--

16 (3) Agricultural commodities, including, but not
17 limited to, sugar cane, vegetables, beef, and dairy products,
18 may be sold to private entities or may be sold or disposed of
19 as provided in subsections (1) and (2). ~~The corporation may~~
20 ~~contract with any political subdivision of this state to~~
21 ~~operate a fish and seafood processing plant and to spawn and~~
22 ~~grow fish and seafood for sale as provided in this subsection.~~
23 ~~However, the corporation may not breed or sell live tropical~~
24 ~~fish.~~

25 Section 8. Section 946.205, Florida Statutes, is
26 created to read:

27 946.205 Institutional work.--The department may cause
28 to be cultivated by the inmates of the adult correctional
29 institutions that are under the control and supervision of the
30 department such food items as are grown on farms or gardens
31 generally, and as are needed and used in the state

1 institutions. The department may sell any surplus food items
2 to the corporation authorized under part II of this chapter.
3 Any proceeds received from such sales by the department shall
4 be deposited into the Correctional Work Program Trust Fund.
5 The department may also use the services of inmates of the
6 adult correctional institutions that are under the control and
7 supervision of the department to perform such work as is
8 needed and used within the state institutions.

9 Section 9. Section 946.523, Florida Statutes, is
10 created to read:

11 946.523 Prison industry enhancement (PIE) programs.--

12 (1) The corporation may operate or contract with the
13 private sector for substantial involvement in a prison
14 industry enhancement (PIE) program that includes, but is not
15 limited to, contracts for the operation of a direct
16 private-sector business within a prison and the hiring of
17 inmates. Any contract authorized by this subsection must be in
18 compliance with federal law governing inmate work programs and
19 must not result in the significant displacement of employed
20 workers in the community. The purposes and objectives of this
21 program are to:

22 (a) Increase the benefits to the general public by
23 reimbursing the state for a portion of the costs of
24 incarceration.

25 (b) Provide purposeful work for inmates.

26 (c) Increase job skills.

27 (d) Provide additional opportunities for
28 rehabilitating inmates who are otherwise ineligible to work
29 outside the prisons, such as maximum-security inmates.

30
31

1 (e) Develop and establish new models for prison-based
2 businesses that create jobs approximating conditions of
3 private-sector employment.

4 (f) Draw upon the economic base of operations for
5 deposit into the Crimes Compensation Trust Fund.

6 (g) Substantially involve the private sector and its
7 capital, management skills, and expertise in the design,
8 development, and operation of businesses.

9 (h) Provide the financial basis for an inmate to
10 contribute to the support of his or her family.

11 (i) Provide for the payment of state and federal taxes
12 on an inmate's wages, which are paid at the rate of the
13 prevailing or minimum wage rate.

14 (j) Provide savings for the inmate to have available
15 for his or her use upon the inmate's eventual release from
16 prison.

17 (2) Notwithstanding any other law to the contrary,
18 including s. 440.15(9), private-sector employers shall provide
19 workers' compensation coverage to inmates who participate in
20 prison industry enhancement (PIE) programs under subsection
21 (1). However, inmates are not entitled to unemployment
22 compensation.

23 Section 10. Section 946.524, Florida Statutes, is
24 created to read:

25 946.524 Corporation work camps.--

26 (1) The corporation may establish work camps that the
27 corporation maintains and operates in accordance with chapter
28 951.

29 (2) The corporation may designate appropriate land
30 that is owned or leased by the corporation, or may use state,
31 county, or municipal land, as the site of the proposed

1 facility. Any state lands used for the purposes authorized by
2 this section must obtain prior approval of the Board of
3 Trustees of the Internal Improvement Trust Fund. The work
4 camps operated by the corporation may use inmates who are
5 incarcerated in county or municipal jails for labor in
6 correctional work programs or prison industry enhancement
7 programs authorized by s. 946.523, and the corporation may
8 enter into contracts to operate the work camps in accordance
9 with s. 946.5025.

10 Section 11. Subsection (4) of section 320.06, Florida
11 Statutes, is amended to read:

12 320.06 Registration certificates, license plates, and
13 validation stickers generally.--

14 ~~(4)(a) In order to enable the Department of~~
15 ~~Corrections to manufacture the license plates authorized~~
16 ~~herein, the department is authorized to prepay to the~~
17 ~~Department of Corrections the amount required to purchase the~~
18 ~~materials needed for the manufacture of reflectorized license~~
19 ~~plates. The amount prepaid may not exceed the amount of the~~
20 ~~appropriation made to the Department of Highway Safety and~~
21 ~~Motor Vehicles, but shall be sufficient to enable the~~
22 ~~Department of Corrections to meet the requirements of this~~
23 ~~chapter.~~

24 ~~(b) For the purposes of authorizing~~ The corporation
25 organized under pursuant to chapter 946 may to manufacture
26 license plates and validation stickers, as well as temporary
27 tags, disabled hang tags, vessel decals, and fuel use decals,
28 for the Department of Highway Safety and Motor Vehicles as
29 provided in this chapter., ~~the reference to the Department of~~
30 ~~Corrections in paragraph (a) means the Department of~~
31 ~~Corrections or the corporation organized pursuant to chapter~~

1 ~~946, and~~ The Department of Highway Safety and Motor Vehicles
2 is not required to obtain competitive bids in order to
3 contract with the ~~such~~ corporation.

4 Section 12. Sections 946.006, 946.0061, 946.007,
5 946.008, 946.21, and 946.519, Florida Statutes, are repealed.

6 Section 13. This act shall take effect July 1, 1999.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

- 1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bills 1604 & 1618
- 4 - Deletes the provision requiring the Department of
5 Corrections to develop and implement a 3-tiered system
6 where inmates must first work in unpaid work assignments
7 and work up to the highest paid work assignments.
- 8 - Deletes the provision requiring automatic deductions be
9 made from inmates' bank accounts and PIE wages for costs
10 of incarceration.
- 11 - Deletes the provision requiring every inmate who is
12 assigned to a PIE work program to have a high school
13 diploma or GED certificate.
- 14 - Deletes statutory authority of the Department of
15 Corrections to contract with private sector businesses
16 to operate PIE programs.
- 17 - Creates statutory authority for PRIDE Enterprises to
18 contract with private sector businesses to operate PIE
19 programs if in compliance with federal law pertaining to
20 inmate work programs.
- 21 - Authorizes PRIDE to directly enter into leases with the
22 Board of Trustees of the Internal Improvement Trust Fund
23 for a period of at least 20 years for certain lands that
24 are currently being leased.
- 25 - Authorizes PRIDE to seek tax-exempt financing for
26 capital outlay and improvements for correctional work
27 programs.
- 28 - Provides that the state retains a secured interest in
29 structures and improvements funded with tax-exempt
30 financing.
- 31 - Authorizes PRIDE to establish and operate work camps
 pursuant to contracts to use jail inmates for labor in
 PRIDE industries or PIE programs.
- Requires the approval of the Board of Trustees of the
 Internal Improvement Trust Fund if any state lands are
 used to establish a work camp.
- Provides authority to PRIDE to manufacture temporary
 tags, disabled hang tags, vessel decals, and fuel use
 decals for the Department of Highway Safety and Motor
 Vehicles.
- Permits that minors within the custody of the Department
 of Corrections may receive and participate in
 educational services without prior parental consent.