

By Representative Greenstein

1                                   A bill to be entitled  
2           An act relating to correctional work programs;  
3           providing a short title; amending s. 946.40,  
4           F.S.; revising provisions relating to the use  
5           of prisoners in public works; specifying types  
6           of work to be performed under agreements for  
7           the use of inmate labor between the Department  
8           of Corrections and a political subdivision of  
9           the state; requiring the department to enter  
10          into such agreements; specifying the entities  
11          which may request the department to provide  
12          inmate labor; providing a restriction;  
13          providing a limit on the number of inmate  
14          laborers to be provided pursuant to a request;  
15          requiring the department to provide supervision  
16          of such inmates; providing that work performed  
17          by inmates shall be without charge or expense;  
18          providing exceptions; providing a restriction  
19          on eligibility for an inmate labor program;  
20          providing an effective date.

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22           WHEREAS, highway accidents which occur as the result of  
23   road debris are a serious and overlooked highway safety  
24   problem, and

25           WHEREAS, highway accidents in the state caused by road  
26   debris numbered almost 700 in 1997, and

27           WHEREAS, injuries suffered in accidents caused by road  
28   debris, statewide, numbered more than 350 in 1997, and

29           WHEREAS, one recent highway accident caused by road  
30   debris which received considerable public attention involved  
31   Stephanie Murray, and

1           WHEREAS, Stephanie Murray was returning by car from a  
2 school awards ceremony in June 1998 when a metal rod, three  
3 feet long and three-quarters of an inch thick, was propelled  
4 through the windshield of her car, impaling Stephanie Murray  
5 to her seat and missing her aorta by barely more than a  
6 quarter of an inch, and

7           WHEREAS, it is the intent of this act to address and  
8 correct the serious problem of highway accidents which occur  
9 as the result of road debris on the highways of this state  
10 through the use of inmate labor, NOW, THEREFORE,

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. This act shall be known and may be cited as  
15 the "Stephanie Murray Act."

16           Section 2. Section 946.40, Florida Statutes, is  
17 amended to read:

18           946.40 Use of prisoners in public works.--

19           (1)(a) ~~The Department of Corrections shall, subject to~~  
20 ~~the availability of funds appropriated for that purpose, and,~~  
21 ~~in the absence of such funds, may,~~ enter into agreements with  
22 such political subdivisions in the state, as defined by s.  
23 1.01(8), including municipalities; with such agencies and  
24 institutions of the state; and with such nonprofit  
25 corporations as might use the services of inmates of  
26 correctional institutions and camps when it is determined by  
27 the department that such services will not be detrimental to  
28 the welfare of such inmates or the interests of the state in a  
29 program of rehabilitation.

30           (b) Agreements entered into between the department and  
31 a political subdivision of the state may provide for:

1           1. The maintenance of county roads and rights-of-way  
2 not under the jurisdiction of the Department of  
3 Transportation.

4           2. The removal of litter on public grounds,  
5 rights-of-way, lakes, streams, and the shores of lakes and  
6 streams.

7           3. The removal of litter on highways, rights-of-way,  
8 and road shoulders under the jurisdiction of the Department of  
9 Transportation.

10           (c) The department shall furnish inmate labor when  
11 available, as authorized under this section, for state,  
12 municipal, and county roads, highways, streets, and  
13 rights-of-way when requested by the sheriff of any county, the  
14 chief of police of any municipality, or the governing body of  
15 the county or municipality in which the road, highway, street,  
16 or right-of-way is located. The department shall also furnish  
17 such inmate labor when available, as authorized under this  
18 section, for state highways, road shoulders, and rights-of-way  
19 when requested by the Department of Transportation. The  
20 governing body of a county or municipality, sheriff of a  
21 county, or chief of police of a municipality shall not request  
22 such inmate labor unless it has first determined that the use  
23 of inmate labor will not result in the displacement of  
24 employed workers in the community.

25           (d) An agreement entered into between the department  
26 and a political subdivision of the state pursuant to a request  
27 for the use of inmate services as provided in paragraph (c)  
28 shall be limited to the use of no more than 20 inmates and  
29 shall provide for supervision of such inmates by the  
30 department.~~An agreement for use of fewer than 15 minimum~~  
31 ~~custody inmates and medium custody inmates may provide that~~

1 ~~supervision will be either by the department or by the~~  
2 ~~political subdivision, institution, nonprofit corporation, or~~  
3 ~~agency using the inmates.~~The department is authorized to  
4 adopt rules governing work and supervision of inmates used in  
5 public works projects, which rules shall include, but shall  
6 not be limited to, the proper screening and supervision of  
7 such inmates. Inmates may be used for these purposes without  
8 being accompanied by a correctional officer, provided the  
9 political subdivision, municipality, or agency of the state or  
10 the nonprofit corporation provides proper supervision pursuant  
11 to the rules of the Department of Corrections.

12       (2) All work performed by inmates pursuant to this  
13 section shall be performed without charge or expense to the  
14 political subdivision requesting such work, except for  
15 transportation costs of the inmate labor unit and costs of  
16 materials utilized in any maintenance performed.~~The budget of~~  
17 ~~the department may be reimbursed from the budget of any state~~  
18 ~~agency or state institution for the services of inmates and~~  
19 ~~personnel of the department in such amounts as may be~~  
20 ~~determined by agreement between the department and the head of~~  
21 ~~such agency or institution. However,~~No political subdivision  
22 of the state shall be required to reimburse the department for  
23 such services.

24       (3) The department shall not be required to provide  
25 supervision for minimum custody inmates or medium custody  
26 inmates unless there is adequate notice of the need for the  
27 services of at least 15 such inmates.

28       (4) No person convicted of sexual battery pursuant to  
29 s. 794.011 is eligible for any program under the provisions of  
30 this section.

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1           (5) No person under 18 years of age is eligible for  
2 any program under the provisions of this section.

3           Section 3. This act shall take effect October 1, 1999.

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6           HOUSE SUMMARY

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8           Revises provisions relating to the use of prisoners in  
9           public works, to specify types of work to be performed  
10          under agreements for the use of inmate labor between the  
11          Department of Corrections and a political subdivision of  
12          the state. Requires the department to enter into such  
13          agreements. Specifies the entities which may request the  
14          department to provide inmate labor. Provides a  
15          restriction on such use. Provides a limit on the number  
16          of inmate laborers to be provided pursuant to a request.  
17          Requires the department to provide supervision of such  
18          inmates. Provides that work performed by inmates shall be  
19          without charge or expense and provides exceptions.  
20          Provides a restriction on eligibility for an inmate labor  
21          program. Titles the act the "Stephanie Murray Act."