

By Representative Peadar

1 A bill to be entitled
2 An act relating to correctional work programs;
3 amending s. 946.002, F.S.; amending labor
4 requirements pertaining to inmates; amending s.
5 946.504, F.S.; providing for the Board of
6 Trustees of the Internal Improvement Trust Fund
7 to enter into leases with the corporation set
8 up under this section to operate correctional
9 work programs; amending s. 946.515, F.S.;
10 amending provisions specifying which
11 commodities may be produced and sold by the
12 corporation; creating s. 946.205, F.S.;
13 providing for responsibilities of the
14 Department of Corrections for cultivating and
15 selling food items and for supervising certain
16 work activities of inmates; creating s.
17 946.521, F.S.; requiring the corporation and
18 the Office of Program Policy Analysis and
19 Government Accountability to report annually to
20 the Governor and the Legislature; requiring
21 program reviews; providing that the corporation
22 is to be governed by specified accounting
23 principles; creating s. 946.523, F.S.;
24 providing for prison industry enhancement (PIE)
25 programs; providing purposes and objectives of
26 the programs; requiring workers' compensation
27 coverage to be provided to inmates who
28 participate in the programs; providing that
29 inmates are not entitled to unemployment
30 compensation; providing that this section is
31 inapplicable to correctional work programs

1 operated under ss. 946.502-946.517, F.S.;

2 creating s. 946.524, F.S.; providing for the

3 corporation to establish work camps; providing

4 for the corporation to designate certain lands

5 as the sites for such work camps; providing

6 that the corporation may use certain inmates as

7 workers in the work camps and may enter into

8 contracts, as specified, to operate the work

9 camps; amending s. 320.06, F.S.; amending

10 provisions relating to manufacturing certain

11 tags and decals for the Department of Highway

12 Safety and Motor Vehicles; repealing ss.

13 946.006, 946.0061, 946.007, 946.008, 946.21,

14 946.31, 946.32, 946.33, 946.516, 946.519,

15 946.520(1), F.S., relating to correctional work

16 programs, the inapplicability of s. 946.006(4),

17 F.S., to those programs, correctional work

18 program objectives, financing correctional work

19 programs, penalties for selling goods made by

20 prisoners, sources of funds for the

21 correctional work program, the use of such

22 funds, the disbursement of the funds, reports

23 to the Governor and the Legislature, the use of

24 goods and services produced in correctional

25 work programs, and the assignment of inmates by

26 the Department of Corrections; providing an

27 effective date.

28

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

30

31

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

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

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

19 Section 2. Subsection (1) of section 946.504, Florida
20 Statutes, is amended to read:

21 946.504 Organization of corporation to operate
22 correctional work programs; lease of facilities.--

23 (1) The department shall lease buildings and land to
24 the nonprofit corporation authorized to operate the
25 correctional work programs, the members of which are appointed
26 by the Governor and confirmed by the Senate. The same
27 appointment process shall be followed to fill any vacancy. The
28 corporation shall be organized pursuant to chapter 617 and
29 shall possess all the powers granted by that chapter. The
30 Board of Trustees of the Internal Improvement Trust Fund shall
31 enter into leases directly with the corporation, for a period

1 of at least 20 years, for the lease of the lands that are
2 currently under sublease with the department and used by the
3 corporation for correctional work programs and that are
4 identified as subject to lease numbers 3513, 3311, 2946, 2675,
5 2937, 2673, and 3236 with the Board of Trustees of the
6 Internal Improvement Trust Fund.

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

9 946.515 Use of goods and services produced in
10 correctional work programs.--

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

20 Section 4. Section 946.205, Florida Statutes, is
21 created to read:

22 946.205 Institutional work.--The department may cause
23 to be cultivated by the inmates of the adult correctional
24 institutions that are under the control and supervision of the
25 department such food items as are grown on farms or gardens
26 generally, and as are needed and used in the state
27 institutions. The department may sell any surplus food items
28 to the corporation authorized under part II of this chapter.
29 The department may also use the services of inmates of the
30 adult correctional institutions that are under the control and
31

1 supervision of the department to perform such work as is
2 needed and used within the state institutions.

3 Section 5. Section 946.521, Florida Statutes, is
4 created to read:

5 946.521 Reports to Governor and Legislature by the
6 corporation and by the Office of Program Policy Analysis and
7 Government Accountability.--

8 (1) The corporation shall submit to the department,
9 the Governor, and the Legislature an annual, independently
10 audited financial statement and such other information as the
11 Legislature requests. The corporation shall submit to the
12 Governor and the Legislature, on or before January 1 of each
13 year, a report on the status of the correctional work
14 programs. The report must include, but need not be limited to,
15 the proposed use of the profits from such programs, a
16 breakdown of the performance measurements, the total inmate
17 hours worked, profit earned, economic impact on the state,
18 amount paid to victim restitution, total inmate compensation,
19 total amount expended by the corporation on capital
20 improvements to state land and buildings, and the number of
21 inmates working in the correctional work programs at the time
22 of the report.

23 (2) Upon the request of the Joint Legislative Auditing
24 Committee, the Office of Program Policy Analysis and
25 Government Accountability shall conduct a program review of
26 the corporation. The Office of Program Policy Analysis and
27 Government Accountability shall conduct a performance review
28 of the corporation which takes into consideration an
29 independent audit conducted by the auditors of the
30 corporation.

31

1 (3) The corporation shall be governed by the generally
2 accepted accounting principles established by the Financial
3 Accounting Standards Board, in order to carry out the intent
4 of s. 946.502(2) and (5).

5 Section 6. Section 946.523, Florida Statutes, is
6 created to read:

7 946.523 Prison industry enhancement (PIE) programs.--

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

17 (a) Increase the benefits to the general public by
18 reimbursing the state for a portion of the costs of
19 incarceration.

20 (b) Provide purposeful work for inmates.

21 (c) Increase job skills.

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

25 (e) Develop and establish new models for prison-based
26 businesses that create jobs approximating conditions of
27 private-sector employment.

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

30
31

1 (g) Substantially involve the private sector and its
2 capital, management skills, and expertise in the design,
3 development, and operation of businesses.

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

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

9 (j) Provide savings for the inmate to have available
10 for his or her use upon the inmate's eventual release from
11 prison.

12 (2) Notwithstanding any other law to the contrary,
13 including s. 440.15(9), private-sector employers shall provide
14 workers' compensation coverage to inmates who participate in
15 prison industry enhancement (PIE) programs under subsection
16 (1). Inmates are not entitled to unemployment compensation.
17 This subsection is inapplicable to correctional work programs
18 that are operated under ss. 946.502-946.517.

19 Section 7. Section 946.524, Florida Statutes, is
20 created to read:

21 946.524 Corporation work camps.--

22 (1) The corporation may establish work camps that the
23 corporation maintains and operates in accordance with chapter
24 951.

25 (2) The corporation may designate appropriate land
26 that is owned or leased by the corporation, or may use state,
27 county, or municipal land, as the site of the proposed
28 facility. The work camp operated by the corporation may use
29 inmates who are incarcerated in county or municipal jails for
30 labor in correctional work programs or prison industry
31 enhancement programs authorized by s. 946.523, and the

1 corporation may enter into contracts to operate the work camps
2 in accordance with s. 946.5025.

3 Section 8. Subsection (4) of section 320.06, Florida
4 Statutes, is amended to read:

5 320.06 Registration certificates, license plates, and
6 validation stickers generally.--

7 ~~(4)(a) In order to enable the Department of~~
8 ~~Corrections to manufacture the license plates authorized~~
9 ~~herein, the department is authorized to prepay to the~~
10 ~~Department of Corrections the amount required to purchase the~~
11 ~~materials needed for the manufacture of reflectorized license~~
12 ~~plates. The amount prepaid may not exceed the amount of the~~
13 ~~appropriation made to the Department of Highway Safety and~~
14 ~~Motor Vehicles, but shall be sufficient to enable the~~
15 ~~Department of Corrections to meet the requirements of this~~
16 ~~chapter.~~

17 ~~(b) For the purposes of authorizing~~ The corporation
18 organized under pursuant to chapter 946 may to manufacture
19 license plates and validation stickers, as well as temporary
20 tags, disabled hang tags, vessel decals, and fuel use decals,
21 for the Department of Highway Safety and Motor Vehicles as
22 provided in this chapter., ~~the reference to the Department of~~
23 ~~Corrections in paragraph (a) means the Department of~~
24 ~~Corrections or the corporation organized pursuant to chapter~~
25 ~~946, and~~ The Department of Highway Safety and Motor Vehicles
26 is not required to obtain competitive bids in order to
27 contract with the ~~such~~ corporation.

28 Section 9. Sections 946.006, 946.0061, 946.007,
29 946.008, 946.21, 946.31, 946.32, 946.33, 946.516, and 946.519,
30 Florida Statutes, and subsection (1) of section 946.520,
31 Florida Statutes, are repealed.

1 Section 10. This act shall take effect July 1, 1999.

2
3
4
5
6
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

HOUSE SUMMARY

Revises correctional work programs and labor requirements pertaining to inmates. Provides for the Board of Trustees of the Internal Improvement Trust Fund to enter into leases with the corporation created under chapter 946, F.S. Changes the commodities which the corporation may produce and sell. Requires the corporation and the Office of Program Policy Analysis and Government Accountability to report annually to the Governor and the Legislature.

Declares inmates ineligible for unemployment compensation. Permits the establishment of work camps and authorizes the corporation to use certain inmates as workers and to operate the work camp. Also amends provisions relating to manufacturing certain tags and decals for the Department of Highway Safety and Motor Vehicles. Repeals several sections of chapter 946, F.S., relating to correctional work programs.