

By Senator Campbell

33-1399-99

See HB

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

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

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 24           Section 1. Section 946.40, Florida Statutes, is  
 25 amended to read:

26           946.40 Use of prisoners in public works.--

27           (1)(a) The Department of Corrections shall, ~~subject to~~  
 28 ~~the availability of funds appropriated for that purpose, and,~~  
 29 ~~in the absence of such funds, may,~~ enter into agreements with  
 30 such political subdivisions in the state, as defined by s.  
 31 1.01(8), including municipalities; with such agencies and

1 institutions of the state; and with such nonprofit  
2 corporations as might use the services of inmates of  
3 correctional institutions and camps when it is determined by  
4 the department that such services will not be detrimental to  
5 the welfare of such inmates or the interests of the state in a  
6 program of rehabilitation.

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

9 1. The maintenance of county roads and rights-of-way  
10 not under the jurisdiction of the Department of  
11 Transportation.

12 2. The removal of litter on public grounds,  
13 rights-of-way, lakes, streams, and the shores of lakes and  
14 streams.

15 3. The removal of litter on highways, rights-of-way,  
16 and road shoulders under the jurisdiction of the Department of  
17 Transportation.

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

3 (d) An agreement entered into between the department  
4 and a political subdivision of the state pursuant to a request  
5 for the use of inmate services as provided in paragraph (c)  
6 shall be limited to the use of no more than 20 inmates and  
7 shall provide for supervision of such inmates by the  
8 department.~~An agreement for use of fewer than 15 minimum~~  
9 ~~custody inmates and medium custody inmates may provide that~~  
10 ~~supervision will be either by the department or by the~~  
11 ~~political subdivision, institution, nonprofit corporation, or~~  
12 ~~agency using the inmates.~~The department is authorized to  
13 adopt rules governing work and supervision of inmates used in  
14 public works projects, which rules shall include, but shall  
15 not be limited to, the proper screening and supervision of  
16 such inmates. Inmates may be used for these purposes without  
17 being accompanied by a correctional officer, provided the  
18 political subdivision, municipality, or agency of the state or  
19 the nonprofit corporation provides proper supervision pursuant  
20 to the rules of the Department of Corrections.

21 (2) All work performed by inmates pursuant to this  
22 section shall be performed without charge or expense to the  
23 political subdivision requesting such work, except for  
24 transportation costs of the inmate labor unit and costs of  
25 materials utilized in any maintenance performed.~~The budget of~~  
26 ~~the department may be reimbursed from the budget of any state~~  
27 ~~agency or state institution for the services of inmates and~~  
28 ~~personnel of the department in such amounts as may be~~  
29 ~~determined by agreement between the department and the head of~~  
30 ~~such agency or institution. However, No political subdivision~~

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1 of the state shall be required to reimburse the department for  
2 such services.

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

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

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

12 Section 2. This act shall take effect October 1, 1999.

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15 HOUSE SUMMARY

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17 Revises provisions relating to the use of prisoners in  
18 public works, to specify types of work to be performed  
19 under agreements for the use of inmate labor between the  
20 Department of Corrections and a political subdivision of  
21 the state. Requires the department to enter into such  
22 agreements. Specifies the entities which may request the  
23 department to provide inmate labor. Provides a  
24 restriction on such use. Provides a limit on the number  
25 of inmate laborers to be provided pursuant to a request.  
26 Requires the department to provide supervision of such  
27 inmates. Provides that work performed by inmates shall be  
28 without charge or expense and provides exceptions.  
29 Provides a restriction on eligibility for an inmate labor  
30 program.

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