

By Senator McKay

26-1054-00

See HB

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; repealing s.
7 775.13(4), F.S., relating to registration of
8 certain convicted felons; amending s. 943.325,
9 F.S.; conforming a cross-reference; repealing
10 s. 944.1053, F.S., relating to certain
11 agreements or contracts for correctional
12 facilities or county detention facilities and
13 the applicability of ch. 86-183, Laws of
14 Florida, thereto, which provision is published
15 elsewhere in statutes; amending s. 945.215,
16 F.S.; deleting a provision relating to
17 repayment of a sum appropriated in fiscal year
18 1996-1997 from the Inmate Welfare Trust Fund
19 for correctional work programs; amending s.
20 947.03, F.S.; deleting provisions relating to
21 tenure and removal of members of the Parole
22 Commission serving on a specified date;
23 amending s. 947.02, F.S.; deleting a
24 cross-reference, to conform; providing an
25 effective date.

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

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29 Section 1. Subsection (4) of section 775.13, Florida
30 Statutes, is repealed.

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1 Section 2. Paragraph (c) of subsection (10) of section
2 943.325, Florida Statutes, is amended to read:

3 943.325 Blood specimen testing for DNA analysis.--
4 (10)

5 (c) Any person previously convicted of an offense
6 specified in this section, or a crime which, if committed in
7 this state, would be an offense specified in this section, and
8 who is also subject to the registration requirement imposed by
9 s. 775.13, shall be subject to the collection requirement of
10 this section when the appropriate agency described in this
11 section verifies the identification information of the person.
12 The collection requirement of this section does not apply to a
13 person as described in s. 775.13(5)(6).

14 Section 3. Section 944.1053, Florida Statutes, is
15 repealed.

16 Section 4. Paragraph (a) of subsection (1) of section
17 945.215, Florida Statutes, is amended to read:

18 945.215 Inmate welfare and employee benefit trust
19 funds.--

20 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
21 CORRECTIONS.--

22 (a) The Inmate Welfare Trust Fund constitutes a trust
23 held by the department for the benefit and welfare of inmates
24 incarcerated in correctional facilities operated directly by
25 the department and for visitation and family programs and
26 services in such correctional facilities. Funds shall be
27 credited to the trust fund as follows:

28 1. All funds held in any auxiliary, canteen, welfare,
29 or similar fund in any correctional facility operated directly
30 by the department.

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1 2. All net proceeds from operating inmate canteens,
2 vending machines used primarily by inmates and visitors, hobby
3 shops, and other such facilities; however, funds necessary to
4 purchase items for resale at inmate canteens and vending
5 machines must be deposited into local bank accounts designated
6 by the department.

7 3. All proceeds from contracted telephone commissions.
8 The department shall develop and update, as necessary,
9 administrative procedures to verify that:

10 a. Contracted telephone companies accurately record
11 and report all telephone calls made by inmates incarcerated in
12 correctional facilities under the department's jurisdiction;

13 b. Persons who accept collect calls from inmates are
14 charged the contracted rate; and

15 c. The department receives the contracted telephone
16 commissions.

17 4. Any funds that may be assigned by inmates or
18 donated to the department by the general public or an inmate
19 service organization; however, the department shall not accept
20 any donation from, or on behalf of, any individual inmate.

21 ~~5. Repayment of the one-time sum of \$500,000~~
22 ~~appropriated in fiscal year 1996-1997 from the Inmate Welfare~~
23 ~~Trust Fund for correctional work programs pursuant to s.~~
24 ~~946.008.~~

25 5.6. All proceeds from:

26 a. The confiscation and liquidation of any contraband
27 found upon, or in the possession of, any inmate;

28 b. Disciplinary fines imposed against inmates;

29 c. Forfeitures of inmate earnings; and

30 d. Unexpended balances in individual inmate trust fund
31 accounts of less than \$1.

1 6.7. All interest earnings and other proceeds derived
2 from investments of funds deposited in the trust fund. In the
3 manner authorized by law for fiduciaries, the secretary of the
4 department, or the secretary's designee, may invest any funds
5 in the trust fund when it is determined that such funds are
6 not needed for immediate use.

7 Section 5. Subsection (1) of section 947.03, Florida
8 Statutes, is amended to read:

9 947.03 Commissioners; tenure and removal.--

10 (1) ~~Unless otherwise provided by law, each~~
11 ~~commissioner serving on July 1, 1983, shall be permitted to~~
12 ~~remain in office until completion of his or her current term.~~
13 Upon the expiration of the term of any member of the
14 commission, a successor shall be appointed in the manner
15 ~~prescribed pursuant to the provisions of this section, unless~~
16 ~~otherwise provided by law. Members appointed by the Governor~~
17 ~~and Cabinet shall be appointed for a term terms of 6 years,~~
18 unless otherwise provided by law. No person is eligible to be
19 appointed for more than two consecutive 6-year terms.

20 Section 6. Subsection (3) of section 947.02, Florida
21 Statutes, is amended to read:

22 947.02 Parole Commission; members, appointment.--

23 (3) ~~Within 90 days before an anticipated vacancy by~~
24 ~~expiration of term pursuant to s. 947.03 or~~ Upon any other
25 vacancy, the Governor and Cabinet shall appoint a parole
26 qualifications committee if one has not been appointed during
27 the previous 2 years. The committee shall consider
28 applications for the commission seat, including the
29 application of an incumbent commissioner if he or she applies,
30 according to the provisions of subsection (2). The committee
31 shall submit a list of three eligible applicants, which may

1 include the incumbent if the committee so decides, without
2 recommendation, to the Governor and Cabinet for appointment to
3 the commission. In the case of an unexpired term, the
4 appointment must be for the remainder of the unexpired term
5 and until a successor is appointed and qualified. If more than
6 one seat is vacant, the committee shall submit a list of
7 eligible applicants, without recommendation, containing a
8 number of names equal to three times the number of vacant
9 seats; however, the names submitted shall not be distinguished
10 by seat, and each submitted applicant shall be considered
11 eligible for each vacancy.

12 Section 7. This act shall take effect upon becoming a
13 law.

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15 LEGISLATIVE SUMMARY

16
17 Repeals various statutory provisions that have become
18 obsolete, have had their effect, have served their
19 purpose, or have been impliedly repealed or superseded.
20 Repeals or deletes provisions relating to the
21 registration of convicted felons who were residents of a
22 county in this state on October 1, 1997; agreements or
23 contracts for correctional facilities or county detention
24 facilities in effect on July 1, 1986, and the
25 applicability of ch. 86-183, Laws of Florida, thereto;
26 the repayment of a sum appropriated in fiscal year
27 1996-1997 from the Inmate Welfare Trust Fund for
28 correctional work programs; and the tenure and removal of
29 members of the Parole Commission serving on July 1, 1983.
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