

By Senator Silver

38-237-00

1                                   A bill to be entitled  
2           An act relating to trust funds; creating s.  
3           946.522, F.S.; creating the Prison Industries  
4           Trust Fund; providing for administration of the  
5           trust fund; providing for sources of moneys in  
6           the trust fund and purposes for which they may  
7           be used; exempting the trust fund from s.  
8           215.20, F.S.; providing for carryover of the  
9           balance from one fiscal year to the next;  
10          providing that the trust fund is not subject to  
11          s. 19(f)(2), Art. III of the State  
12          Constitution; amending s. 946.512, F.S.;  
13          providing that certain funds are to be  
14          deposited into the Prison Industries Trust Fund  
15          rather than the Correctional Work Program Trust  
16          Fund; providing an effective date.

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

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20           Section 1. Section 946.522, Florida Statutes, is  
21          created to read:

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23           946.522 Prison Industries Trust Fund.--

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25           (1) The Prison Industries Trust Fund is created to be  
26           administered by the Department of Banking and Finance. The  
27           trust fund shall consist of moneys appropriated by the  
28           Legislature for expenditures for capital outlay purposes and  
29           moneys deposited by the corporation authorized under this part  
30           to manage and operate correctional work programs to be used by  
31           the corporation for purposes of construction or renovation of  
          its facilities or for the expansion or establishment of  
          correctional work programs as described in this part or for

1 prison industries enhancement (PIE) programs as authorized  
2 under s. 946.523.

3 (2) The funds must be deposited in the State Treasury  
4 and paid out only on warrants drawn by the Comptroller upon  
5 receipt of a corporate resolution that has been duly  
6 authorized by the board of directors of the corporation  
7 authorized in this part to manage and operate correctional  
8 work programs. The corporation shall maintain all necessary  
9 records and accounts relative to such funds.

10 (3) The Prison Industries Trust Fund is exempt from s.  
11 215.20.

12 (4) Notwithstanding s. 216.301 and pursuant to s.  
13 216.351, any balance in the Prison Industries Trust Fund at  
14 the end of any fiscal year shall remain in the trust fund at  
15 the end of that year and shall be available for carrying out  
16 the purposes of the trust fund.

17 (5) Pursuant to s. 19(f)(3), Art. III of the State  
18 Constitution, the Prison Industries Trust Fund consists of  
19 assets held by the state, in a trustee capacity, as an agent  
20 or fiduciary for the corporation authorized under this part,  
21 and is not subject to termination under s. 19(f)(2), Art. III  
22 of the State Constitution.

23 Section 2. Section 946.512, Florida Statutes, is  
24 amended to read:

25 946.512 Inmate compensation plan.--The corporation  
26 shall establish a compensation plan that ~~which~~ provides for a  
27 specific amount to be paid to the department to be credited to  
28 an account for an inmate performing labor and a portion to  
29 ~~shall~~ be used to make any court-ordered payments, including  
30 restitution to the victim, and a specific amount to be paid to  
31 the Prison Industries ~~department's Correctional Work Program~~

1 Trust Fund to be used as provided in s. 946.522 ~~s. 946.32~~.  
2 Such funds, excluding victim restitution payments,  
3 court-ordered payments, and the amount credited to the account  
4 of the inmate, shall be deposited in the Prison Industries  
5 ~~department's Correctional Work Program~~ Trust Fund to be used  
6 as provided in s. 946.522 ~~s. 946.32~~.

7 Section 3. This act shall take effect upon becoming a  
8 law.

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SENATE SUMMARY

Creates the Prison Industries Trust Fund to be administered by the Department of Banking and Finance. Provides for moneys in the trust fund to be used to manage and operate the correctional work program. Provides for certain funds paid to the Department of Corrections under the correctional work program to be deposited into the Prison Industries Trust Fund rather than the department's Correctional Work Program Trust Fund.