

By the Committee on Criminal Justice and Senator Silver

307-1772-00

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:

22 946.522 Prison Industries Trust Fund.--
23 (1) The Prison Industries Trust Fund is created, to be
24 administered by the Department of Banking and Finance. The
25 trust fund shall consist of moneys authorized to be deducted
26 pursuant to Title 18, U.S.C. 1761(c) and the applicable
27 federal guidelines, to be appropriated by the Legislature, and
28 moneys deposited by the corporation authorized under this part
29 to manage and operate correctional work programs. The
30 appropriated funds shall be used by the corporation for
31 purposes of construction or renovation of its facilities, for

1 the expansion or establishment of correctional work programs
2 as described in this part, or for prison industries
3 enhancement (PIE) programs as authorized under s. 946.523.

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

11 (3) The Prison Industries Trust Fund is exempt from s.
12 215.20.

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

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

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

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

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

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 232

14 Authorizes moneys deducted from inmate's wages pursuant to
15 federal law be deposited to the Trust Fund.
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