

Bill No. SB 954

Amendment No. 2 Barcode 452782

CHAMBER ACTION

Senate

House

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The Committee on Appropriations recommended the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 16 and 17,

insert:

Section 7. Subsection (5) of section 944.516, Florida Statutes, is amended to read:

944.516 Money or other property received for personal use or benefit of inmate; deposit; disposition of unclaimed trust funds.--The Department of Corrections shall protect the financial interest of the state with respect to claims which the state may have against inmates in state institutions under its supervision and control and shall administer money and other property received for the personal benefit of such inmates. In carrying out the provisions of this section, the department may delegate any of its enumerated powers and duties affecting inmates of an institution to the warden or regional director who shall personally, or through designated employees of his or her personal staff under his or her direct

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1 supervision, exercise such powers or perform such duties.
 2 unclaimed funds held by fiduciaries.

3 (5) When an inmate is transferred between department
 4 facilities, is released from the custody of the department,
 5 dies, or escapes during incarceration, and the inmate has an
 6 unexpended inmate trust fund account balance of less than \$1,
 7 that balance shall be transferred to the General Revenue
 8 ~~Inmate Welfare Trust~~ Fund.

9 Section 8. Subsection (2) of section 944.803, Florida
 10 Statutes, is amended to read:

11 944.803 Faith-based programs for inmates.--

12 (2) It is the intent of the Legislature that the
 13 Department of Corrections and the private vendors operating
 14 private correctional facilities shall continuously:

15 (a) Measure recidivism rates for inmates who have
 16 participated in religious programs;

17 (b) Increase the number of volunteers who minister to
 18 inmates from various faith-based institutions in the
 19 community;

20 (c) Develop community linkages with churches,
 21 synagogues, mosques, and other faith-based institutions to
 22 assist inmates in their release back into the community; and

23 (d) Fund through the use of annual appropriations, in
 24 department facilities, and through inmate welfare trust funds
 25 pursuant to s. 945.215, in private facilities, an adequate
 26 number of chaplains and support staff to operate faith-based
 27 programs in correctional institutions.

28 Section 9. Paragraph (a) of subsection (8) of section
 29 945.091, Florida Statutes, is amended to read:

30 945.091 Extension of the limits of confinement;

31 restitution by employed inmates.--

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1 (8)(a) The department is authorized to levy fines only
2 through disciplinary reports and only against inmates placed
3 on extended limits of confinement. Major and minor
4 infractions and their respective punishments for inmates
5 placed on extended limits of confinement shall be defined by
6 the rules of the department, provided that any fine shall not
7 exceed \$50 for each infraction deemed to be minor and \$100 for
8 each infraction deemed to be major. Such fines shall be
9 deposited in the General Revenue ~~Inmate Welfare Trust~~ Fund,
10 and a receipt shall be given to the inmate.

11 Section 10. Subsection (1) of section 945.215, Florida
12 Statutes, is amended to read:

13 945.215 Inmate welfare and employee benefit trust
14 funds.--

15 (1) INMATE PURCHASES ~~WELFARE TRUST FUND~~; DEPARTMENT OF
16 CORRECTIONS.--

17 (a) ~~From the Inmate Welfare Trust Fund constitutes a~~
18 ~~trust held by the department for the benefit and welfare of~~
19 ~~inmates incarcerated in correctional facilities operated~~
20 ~~directly by the department and for visitation and family~~
21 ~~programs and services in such correctional facilities. Funds~~
22 ~~shall be credited to the trust fund as follows:~~

23 1. ~~All funds held in any auxiliary, canteen, welfare,~~
24 ~~or similar fund in any correctional facility operated directly~~
25 ~~by the department.~~

26 2. ~~All net proceeds from operating inmate canteens,~~
27 ~~vending machines used primarily by inmates and visitors, hobby~~
28 ~~shops, and other such facilities must be deposited in the~~
29 ~~General Revenue Fund; however, funds necessary to purchase~~
30 ~~items for resale at inmate canteens and vending machines must~~
31 ~~be deposited into local bank accounts designated by the~~

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1 department.

2 ~~(b)3-~~ All proceeds from contracted telephone
 3 commissions must be deposited in the General Revenue Fund. The
 4 department shall develop and update, as necessary,
 5 administrative procedures to verify that:

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

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

11 c. The department receives the contracted telephone
 12 commissions.

13 ~~(c)4-~~ Any funds that may be assigned by inmates or
 14 donated to the department by the general public or an inmate
 15 service organization must be deposited in the General Revenue
 16 Fund; however, the department shall not accept any donation
 17 from, or on behalf of, any individual inmate.

18 ~~(d)5-~~ All proceeds from the following sources must be
 19 deposited in the General Revenue Fund:

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

22 b. Disciplinary fines imposed against inmates;

23 c. Forfeitures of inmate earnings; and

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

26 ~~6. All interest earnings and other proceeds derived~~
 27 ~~from investments of funds deposited in the trust fund. In the~~
 28 ~~manner authorized by law for fiduciaries, the secretary of the~~
 29 ~~department, or the secretary's designee, may invest any funds~~
 30 ~~in the trust fund when it is determined that such funds are~~
 31 ~~not needed for immediate use.~~

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- 1 ~~(b) Funds in the Inmate Welfare Trust Fund must be~~
2 ~~used exclusively for the following purposes at correctional~~
3 ~~facilities operated directly by the department:~~
- 4 ~~1. To operate inmate canteens and vending machines,~~
5 ~~including purchasing items for resale at inmate canteens and~~
6 ~~vending machines; employing personnel and inmates to manage,~~
7 ~~supervise, and operate inmate canteens and vending machines;~~
8 ~~and covering other operating and fixed capital outlay expenses~~
9 ~~associated with operating inmate canteens and vending~~
10 ~~machines;~~
- 11 ~~2. To employ personnel to manage and supervise the~~
12 ~~proceeds from telephone commissions;~~
- 13 ~~3. To develop, implement, and maintain the medical~~
14 ~~copayment accounting system;~~
- 15 ~~4. To provide literacy programs, vocational training~~
16 ~~programs, and educational programs that comply with standards~~
17 ~~of the Department of Education, including employing personnel~~
18 ~~and covering other operating and fixed capital outlay expenses~~
19 ~~associated with providing such programs;~~
- 20 ~~5. To operate inmate chapels, faith-based programs,~~
21 ~~visiting pavilions, visiting services and programs, family~~
22 ~~services and programs, libraries, and law libraries, including~~
23 ~~employing personnel and covering other operating and fixed~~
24 ~~capital outlay expenses associated with operating inmate~~
25 ~~chapels, faith-based programs, visiting pavilions, visiting~~
26 ~~services and programs, family services and programs,~~
27 ~~libraries, and law libraries;~~
- 28 ~~6. To provide for expenses associated with various~~
29 ~~inmate clubs;~~
- 30 ~~7. To provide for expenses associated with legal~~
31 ~~services for inmates;~~

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1 ~~8. To provide inmate substance abuse treatment~~
2 ~~programs and transition and life skills training programs,~~
3 ~~including employing personnel and covering other operating and~~
4 ~~fixed capital outlay expenses associated with providing such~~
5 ~~programs;~~

6 ~~9. To provide for the purchase, rental, maintenance,~~
7 ~~and repair of electronic or audiovisual equipment, unless~~
8 ~~otherwise prohibited by this chapter; and~~

9 ~~10. To provide for the purchase, rental, maintenance,~~
10 ~~and repair of wellness equipment, unless otherwise prohibited~~
11 ~~by this chapter.~~

12 ~~(c) The Legislature shall annually appropriate the~~
13 ~~funds deposited in the Inmate Welfare Trust Fund. It is the~~
14 ~~intent of the Legislature that total annual expenditures for~~
15 ~~providing literacy programs, vocational training programs, and~~
16 ~~educational programs exceed the combined total annual~~
17 ~~expenditures for operating inmate chapels, faith-based~~
18 ~~programs, visiting pavilions, visiting services and programs,~~
19 ~~family services and programs, libraries, and law libraries,~~
20 ~~covering expenses associated with inmate clubs, and providing~~
21 ~~inmate substance abuse treatment programs and transition and~~
22 ~~life skills training programs.~~

23 ~~(d) Funds in the Inmate Welfare Trust Fund or any~~
24 ~~other fund may not be used to purchase weight-training~~
25 ~~equipment, to purchase cable television service for recreation~~
26 ~~purposes, or to rent or purchase videocassettes, videocassette~~
27 ~~recorders, or other audiovisual or electronic media or~~
28 ~~equipment used primarily for recreation purposes. This~~
29 ~~paragraph does not preclude the purchase or rental of~~
30 ~~electronic or audiovisual equipment or services for inmate~~
31 ~~training or educational programs.~~

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1 (e) Items for resale at inmate canteens and vending
 2 machines maintained at the correctional facilities shall be
 3 priced comparatively with like items for retail sale at fair
 4 market prices.

5 (f) Notwithstanding any other provision of law,
 6 inmates with sufficient balances in their individual inmate
 7 bank trust fund accounts, after all debts against the account
 8 are satisfied, shall be allowed to request a weekly draw of up
 9 to an amount set by the Secretary of Corrections, not to
 10 exceed \$100, to be expended for personal use on canteen and
 11 vending machine items.

12 ~~(g) The department shall annually compile a report~~
 13 ~~that specifically documents Inmate Welfare Trust Fund receipts~~
 14 ~~and expenditures. This report shall be compiled at both the~~
 15 ~~statewide and institutional levels. The department must submit~~
 16 ~~this report for the previous fiscal year by September 1 of~~
 17 ~~each year to the chairs of the appropriate substantive and~~
 18 ~~fiscal committees of the Senate and the House of~~
 19 ~~Representatives and to the Executive Office of the Governor.~~

20 Section 11. Section 945.21502, Florida Statutes, is
 21 repealed.

22 Section 12. Paragraph (c) of subsection (3) of section
 23 945.6037, Florida Statutes, is amended to read:

24 945.6037 Nonemergency health care; inmate
 25 copayments.--

26 (3)

27 (c) The expenses and operating capital outlay required
 28 to develop, implement, and maintain the medical copayment
 29 accounting system must be appropriated by the Legislature ~~from~~
 30 ~~the Inmate Welfare Trust Fund. The fiscal assistants and~~
 31 ~~accountants at the correctional facilities funded from the~~

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1 ~~Inmate Welfare Trust Fund are, in addition to their duties~~
 2 ~~relating to the inmate canteen and bank, responsible for~~
 3 ~~managing the medical copayment system.~~

4 Section 13. Paragraph (a) of subsection (6) of section
 5 958.09, Florida Statutes, is amended to read:

6 958.09 Extension of limits of confinement.--

7 (6)(a) The department is authorized to levy fines only
 8 through disciplinary reports and only against inmates placed
 9 on extended limits of confinement. Major and minor
 10 infractions and their respective punishments for inmates
 11 placed on extended limits of confinement shall be defined by
 12 the rules of the department, except that any fine shall not
 13 exceed \$50 for each infraction deemed to be minor and \$100 for
 14 each infraction deemed to be major. Such fines shall be
 15 deposited in the General Revenue ~~Inmate Welfare Trust~~ Fund,
 16 and a receipt shall be given to the inmate.

17 Section 14. Chapter 2002-123, Laws of Florida, which
 18 recreates the Inmate Welfare Trust Fund effective November 4,
 19 2004, is repealed.

20 Section 15. Section 320.08046, Florida Statutes, is
 21 amended to read:

22 320.08046 Surcharge on license tax; General Revenue
 23 Fund.--There is levied on each license tax imposed under s.
 24 320.08, except those set forth in s. 320.08(11), a surcharge
 25 in the amount of \$1, which shall be collected in the same
 26 manner as the license tax. Of the proceeds of the license tax
 27 surcharge, 58 ~~40~~ percent shall be deposited into the General
 28 Revenue Fund and~~7~~ 42 percent shall be deposited into the
 29 Grants and Donations Trust Fund in the Department of Juvenile
 30 Justice to fund the community juvenile justice partnership
 31 grants program, ~~and 18 percent shall be deposited into the~~

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1 ~~Florida Motor Vehicle Theft Prevention Trust Fund to fund~~
2 ~~motor vehicle theft prevention programs pursuant to s.~~
3 ~~860.158.~~

4 Section 16. Paragraph (e) of subsection (13) of
5 section 713.78, Florida Statutes, is amended to read:

6 713.78 Liens for recovering, towing, or storing
7 vehicles and vessels.--

8 (13)

9 (e) When a wrecker operator files a notice of wrecker
10 operator's lien under this subsection, the department shall
11 charge the wrecker operator a fee of \$2, which shall be
12 deposited into the General Revenue ~~Florida Motor Vehicle Theft~~
13 ~~Prevention Trust~~ Fund established under s. 860.158. A service
14 charge of \$2.50 shall be collected and retained by the tax
15 collector who processes a notice of wrecker operator's lien.

16 Section 17. Present subsection (3) of section 860.153,
17 Florida Statutes, is repealed and present subsection (4) of
18 that section is redesignated as subsection (3).

19 Section 18. Section 860.158, Florida Statutes, as
20 amended by chapter 2002-402, Laws of Florida, is amended to
21 read:

22 860.158 Florida Motor Vehicle Theft Prevention
23 Authority Expenditures Trust Fund.--(1) ~~There is hereby~~
24 ~~established within the Department of Legal Affairs the Florida~~
25 ~~Motor Vehicle Theft Prevention Trust Fund, which shall be~~
26 ~~administered by the executive director of the authority at the~~
27 ~~direction of the board. All interest earned from the~~
28 ~~investment or deposit of moneys accumulated in the trust fund~~
29 ~~shall be deposited in the trust fund. The trust fund shall be~~
30 ~~funded from the surcharge collected under s. 320.08046.~~

31 (2)(a) Money appropriated to the authority in the trust

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1 ~~fund~~ shall be expended as follows:

2 ~~(1)1.~~ To pay the authority's cost to administer the
3 board and the trust fund.

4 ~~(2)2.~~ To achieve the purposes and objectives of this
5 act, which may include, but not be limited to, the following:

6 ~~(a)a.~~ To provide financial support to law enforcement
7 and correctional agencies, prosecutors, and the judiciary for
8 programs designed to reduce motor vehicle theft and to improve
9 the administration of motor vehicle theft laws.

10 ~~(b)b.~~ To provide financial support for federal and
11 state agencies, units of local government, corporations, and
12 neighborhood, community, or business organizations for
13 programs designed to reduce motor vehicle theft and to improve
14 the administration of motor vehicle theft laws.

15 ~~(c)c.~~ To provide financial support to conduct programs
16 designed to inform owners of motor vehicles about the
17 financial and social cost of motor vehicle theft and to
18 suggest to those owners methods for preventing motor vehicle
19 theft.

20 ~~(d)d.~~ To provide financial support for plans,
21 programs, and projects consistent with the purposes of this
22 act.

23 ~~(b) For the 2002-2003 fiscal year only, and~~
24 ~~notwithstanding s. 320.08046, the use of funds allocated to~~
25 ~~the Florida Motor Vehicle Theft Prevention Trust Fund may also~~
26 ~~be as provided in the General Appropriations Act. This~~
27 ~~paragraph expires July 1, 2003.~~

28
29 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 19, after the semicolon,

4

5 insert:

6 repealing s. 945.21502, F.S.; repealing the
7 Inmate Welfare Trust Fund in the Department of
8 Corrections; amending ss. 944.516, 944.803,
9 945.091, 945.215, 945.6037, F.S., to conform;
10 providing for revenues of the Inmate Welfare
11 Trust Fund to be deposited in the general
12 Revenue Fund; repealing ch. 2002-123, Laws of
13 Florida; repealing the future recreation of the
14 Inmate Welfare Trust Fund; amending s. 860.158,
15 F.S.; repealing the Florida Motor Vehicle Theft
16 Prevention Trust Fund in the Department of
17 Legal Affairs; amending ss. 320.08046, 713.78,
18 F.S., to conform; providing for revenues of the
19 fund to be deposited in the General Revenue
20 Fund;

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