

1                                   A bill to be entitled  
2           An act relating to trust funds; terminating  
3           specified trust funds within the Department of  
4           Legal Affairs and the Department of  
5           Corrections; providing for disposition of  
6           balances in and revenues of such trust funds;  
7           declaring the findings of the Legislature that  
8           a specified trust fund within the Department of  
9           Corrections is exempt from the termination  
10          requirements of s. 19(f), Art. III of the State  
11          Constitution; amending s. 501.2101, F.S.;  
12          deleting provisions relating to the Consumer  
13          Frauds Trust Fund; providing for the deposit of  
14          moneys received pursuant to the regulation of  
15          deceptive and unfair trade practices into the  
16          Legal Affairs Revolving Trust Fund rather than  
17          the Consumer Frauds Trust Fund; amending ss.  
18          501.059, 501.143, and 501.2077, F.S., to  
19          conform; repealing s. 945.21502, F.S.;  
20          repealing the Inmate Welfare Trust Fund in the  
21          Department of Corrections; amending ss.  
22          944.516, 944.803, 945.091, 945.215, 945.6037,  
23          F.S., to conform; providing for revenues of the  
24          Inmate Welfare Trust Fund to be deposited in  
25          the General Revenue Fund; repealing ch.  
26          2002-123, Laws of Florida; repealing the future  
27          re-creation of the Inmate Welfare Trust Fund;  
28          amending s. 860.158, F.S.; repealing the  
29          Florida Motor Vehicle Theft Prevention Trust  
30          Fund in the Department of Legal Affairs;  
31          amending ss. 320.08046, 713.78, F.S., to

1 conform; providing for revenues of the fund to  
2 be deposited in the General Revenue Fund;  
3 providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. (1) The following trust funds within the  
8 following departments are terminated:

9 (a) Within the Department of Legal Affairs:

10 1. The Florida Motor Vehicle Theft Prevention Trust  
11 Fund, FLAIR number 41-2-051.

12 2. The Consumer Fraud Trust Fund, FLAIR number  
13 41-2-127.

14 (b) Within the Department of Corrections:

15 1. The Florida Agricultural Exposition Trust Fund,  
16 FLAIR number 70-2-298.

17 2. The Inmate Welfare Trust Fund, FLAIR number  
18 70-2-523.

19 (2) Unless otherwise provided, all current balances  
20 remaining in, and all revenues of, the trust funds terminated  
21 by this act shall be transferred to the General Revenue Fund.

22 (3) For each trust fund terminated by this act, the  
23 agency that administers the trust fund shall pay any  
24 outstanding debts and obligations of the terminated fund as  
25 soon as practicable, and the Chief Financial Officer shall  
26 close out and remove the terminated fund from the various  
27 state accounting systems using generally accepted accounting  
28 principles concerning warrants outstanding, assets, and  
29 liabilities.

30 Section 2. The Legislature finds that, within the  
31 Department of Corrections, the Inmate Bank Trust Fund, which

1 has no FLAIR number, is exempt from termination pursuant to  
 2 Section 19(f), Article III of the State Constitution.

3 Section 3. Section 501.2101, Florida Statutes, is  
 4 amended to read:

5 501.2101 Enforcing authorities; moneys received in  
 6 certain proceedings; ~~Consumer Frauds Trust Fund.~~--

7 (1) Any moneys received by an enforcing authority for  
 8 attorney's fees and costs of investigation or litigation in  
 9 proceedings brought under the provisions of s. 501.207, s.  
 10 501.208, or s. 501.211 shall be deposited as received in ~~the~~  
 11 ~~Consumer Frauds Trust Fund~~ or the Legal Affairs Revolving  
 12 Trust Fund in the State Treasury.

13 ~~(2) There is created in the State Treasury a trust~~  
 14 ~~fund to be known as the Consumer Frauds Trust Fund. Money~~  
 15 ~~deposited therein shall be disbursed to the enforcing~~  
 16 ~~authority responsible for its collection for the funding of~~  
 17 ~~activities conducted by enforcing authorities pursuant to ss.~~  
 18 ~~501.201-501.213, inclusive.~~

19 ~~(2)(3)~~ Any moneys received by an enforcing authority  
 20 and neither received for attorney's fees and costs of  
 21 investigation or litigation nor used to reimburse consumers  
 22 found under this law to be damaged shall accrue to the state  
 23 and be deposited as received in the General Revenue Fund  
 24 unallocated.

25 Section 4. Subsection (8) of section 501.059, Florida  
 26 Statutes, is amended to read:

27 501.059 Telephone solicitation.--

28 (8) The department shall investigate any complaints  
 29 received concerning violations of this section. If, after  
 30 investigating any complaint, the department finds that there  
 31 has been a violation of this section, the department or the

1 Department of Legal Affairs may bring an action to impose a  
2 civil penalty and to seek other relief, including injunctive  
3 relief, as the court deems appropriate against the telephone  
4 solicitor. The civil penalty shall not exceed \$10,000 per  
5 violation and shall be deposited in the General Inspection  
6 Trust Fund if the action or proceeding was brought by the  
7 department, or the Legal Affairs Revolving ~~Consumer Frauds~~  
8 Trust Fund if the action or proceeding was brought by the  
9 Department of Legal Affairs. This civil penalty may be  
10 recovered in any action brought under this part by the  
11 department, or the department may terminate any investigation  
12 or action upon agreement by the person to pay a stipulated  
13 civil penalty. The department or the court may waive any  
14 civil penalty if the person has previously made full  
15 restitution or reimbursement or has paid actual damages to the  
16 consumers who have been injured by the violation.

17 Section 5. Subsection (9) of section 501.143, Florida  
18 Statutes, is amended to read:

19 501.143 Dance Studio Act.--

20 (9) GENERAL INSPECTION TRUST FUND; PAYMENTS.--Any  
21 moneys recovered by the enforcing authority as a penalty under  
22 this section shall be deposited in the General Inspection  
23 Trust Fund if the action or proceeding was brought by the  
24 department, or the Legal Affairs Revolving ~~Consumer Frauds~~  
25 Trust Fund if the action or proceeding was brought by the  
26 Department of Legal Affairs.

27 Section 6. Subsection (4) of section 501.2077, Florida  
28 Statutes, is amended to read:

29 501.2077 Violations involving senior citizen or  
30 handicapped person; civil penalties; presumption.--

31

1           (4) Civil penalties collected pursuant to this section  
2 shall be deposited into the Legal Affairs Revolving Trust Fund  
3 of the Department of Legal Affairs ~~Consumer Frauds Trust Fund~~  
4 and allocated solely to the Department of Legal Affairs for  
5 the purpose of preparing and distributing consumer education  
6 materials, programs, and seminars to benefit senior citizens  
7 and handicapped persons or to further enforcement efforts.

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

10           944.516 Money or other property received for personal  
11 use or benefit of inmate; deposit; disposition of unclaimed  
12 trust funds.--The Department of Corrections shall protect the  
13 financial interest of the state with respect to claims which  
14 the state may have against inmates in state institutions under  
15 its supervision and control and shall administer money and  
16 other property received for the personal benefit of such  
17 inmates. In carrying out the provisions of this section, the  
18 department may delegate any of its enumerated powers and  
19 duties affecting inmates of an institution to the warden or  
20 regional director who shall personally, or through designated  
21 employees of his or her personal staff under his or her direct  
22 supervision, exercise such powers or perform such duties.

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

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

31           944.803 Faith-based programs for inmates.--

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

4           (a) Measure recidivism rates for inmates who have  
5 participated in religious programs;

6           (b) Increase the number of volunteers who minister to  
7 inmates from various faith-based institutions in the  
8 community;

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

12           (d) Fund through the use of annual appropriations, in  
13 department facilities, and through inmate welfare trust funds  
14 pursuant to s. 945.215, in private facilities, an adequate  
15 number of chaplains and support staff to operate faith-based  
16 programs in correctional institutions.

17           Section 9. Paragraph (a) of subsection (8) of section  
18 945.091, Florida Statutes, is amended to read:

19           945.091 Extension of the limits of confinement;  
20 restitution by employed inmates.--

21           (8)(a) The department is authorized to levy fines only  
22 through disciplinary reports and only against inmates placed  
23 on extended limits of confinement. Major and minor  
24 infractions and their respective punishments for inmates  
25 placed on extended limits of confinement shall be defined by  
26 the rules of the department, provided that any fine shall not  
27 exceed \$50 for each infraction deemed to be minor and \$100 for  
28 each infraction deemed to be major. Such fines shall be  
29 deposited in the General Revenue ~~Inmate Welfare Trust~~ Fund,  
30 and a receipt shall be given to the inmate.  
31

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

3 945.215 Inmate welfare and employee benefit trust  
4 funds.--

5 (1) INMATE PURCHASES ~~WELFARE TRUST FUND~~; DEPARTMENT OF  
6 CORRECTIONS.--

7 (a) ~~From the Inmate Welfare Trust Fund constitutes a~~  
8 ~~trust held by the department for the benefit and welfare of~~  
9 ~~inmates incarcerated in correctional facilities operated~~  
10 ~~directly by the department and for visitation and family~~  
11 ~~programs and services in such correctional facilities. Funds~~  
12 ~~shall be credited to the trust fund as follows:~~

13 1. ~~All funds held in any auxiliary, canteen, welfare,~~  
14 ~~or similar fund in any correctional facility operated directly~~  
15 ~~by the department.~~

16 2. ~~All~~ net proceeds from operating inmate canteens,  
17 vending machines used primarily by inmates and visitors, hobby  
18 shops, and other such facilities must be deposited in the  
19 General Revenue Fund; however, funds necessary to purchase  
20 items for resale at inmate canteens and vending machines must  
21 be deposited into local bank accounts designated by the  
22 department.

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

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

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

1 c. The department receives the contracted telephone  
2 commissions.

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

8 ~~(d)5.~~ All proceeds from the following sources must be  
9 deposited in the General Revenue Fund:

- 10 a. The confiscation and liquidation of any contraband  
11 found upon, or in the possession of, any inmate;  
12 b. Disciplinary fines imposed against inmates;  
13 c. Forfeitures of inmate earnings; and  
14 d. Unexpended balances in individual inmate trust fund  
15 accounts of less than \$1.

16 ~~6.~~ ~~All interest earnings and other proceeds derived~~  
17 ~~from investments of funds deposited in the trust fund. In the~~  
18 ~~manner authorized by law for fiduciaries, the secretary of the~~  
19 ~~department, or the secretary's designee, may invest any funds~~  
20 ~~in the trust fund when it is determined that such funds are~~  
21 ~~not needed for immediate use.~~

22 ~~(b)~~ ~~Funds in the Inmate Welfare Trust Fund must be~~  
23 ~~used exclusively for the following purposes at correctional~~  
24 ~~facilities operated directly by the department:~~

- 25 ~~1.~~ ~~To operate inmate canteens and vending machines,~~  
26 ~~including purchasing items for resale at inmate canteens and~~  
27 ~~vending machines; employing personnel and inmates to manage,~~  
28 ~~supervise, and operate inmate canteens and vending machines;~~  
29 ~~and covering other operating and fixed capital outlay expenses~~  
30 ~~associated with operating inmate canteens and vending~~  
31 ~~machines;~~



1           ~~2. To employ personnel to manage and supervise the~~  
2 ~~proceeds from telephone commissions;~~

3           ~~3. To develop, implement, and maintain the medical~~  
4 ~~copayment accounting system;~~

5           ~~4. To provide literacy programs, vocational training~~  
6 ~~programs, and educational programs that comply with standards~~  
7 ~~of the Department of Education, including employing personnel~~  
8 ~~and covering other operating and fixed capital outlay expenses~~  
9 ~~associated with providing such programs;~~

10           ~~5. To operate inmate chapels, faith-based programs,~~  
11 ~~visiting pavilions, visiting services and programs, family~~  
12 ~~services and programs, libraries, and law libraries, including~~  
13 ~~employing personnel and covering other operating and fixed~~  
14 ~~capital outlay expenses associated with operating inmate~~  
15 ~~chapels, faith-based programs, visiting pavilions, visiting~~  
16 ~~services and programs, family services and programs,~~  
17 ~~libraries, and law libraries;~~

18           ~~6. To provide for expenses associated with various~~  
19 ~~inmate clubs;~~

20           ~~7. To provide for expenses associated with legal~~  
21 ~~services for inmates;~~

22           ~~8. To provide inmate substance abuse treatment~~  
23 ~~programs and transition and life skills training programs,~~  
24 ~~including employing personnel and covering other operating and~~  
25 ~~fixed capital outlay expenses associated with providing such~~  
26 ~~programs;~~

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

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31

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

4           ~~(c) The Legislature shall annually appropriate the~~  
5 ~~funds deposited in the Inmate Welfare Trust Fund. It is the~~  
6 ~~intent of the Legislature that total annual expenditures for~~  
7 ~~providing literacy programs, vocational training programs, and~~  
8 ~~educational programs exceed the combined total annual~~  
9 ~~expenditures for operating inmate chapels, faith-based~~  
10 ~~programs, visiting pavilions, visiting services and programs,~~  
11 ~~family services and programs, libraries, and law libraries,~~  
12 ~~covering expenses associated with inmate clubs, and providing~~  
13 ~~inmate substance abuse treatment programs and transition and~~  
14 ~~life skills training programs.~~

15           ~~(d) Funds in the Inmate Welfare Trust Fund or any~~  
16 ~~other fund may not be used to purchase weight-training~~  
17 ~~equipment, to purchase cable-television service for recreation~~  
18 ~~purposes, or to rent or purchase videocassettes, videocassette~~  
19 ~~recorders, or other audiovisual or electronic media or~~  
20 ~~equipment used primarily for recreation purposes. This~~  
21 ~~paragraph does not preclude the purchase or rental of~~  
22 ~~electronic or audiovisual equipment or services for inmate~~  
23 ~~training or educational programs.~~

24           ~~(e) Items for resale at inmate canteens and vending~~  
25 ~~machines maintained at the correctional facilities shall be~~  
26 ~~priced comparatively with like items for retail sale at fair~~  
27 ~~market prices.~~

28           ~~(f) Notwithstanding any other provision of law,~~  
29 ~~inmates with sufficient balances in their individual inmate~~  
30 ~~bank trust fund accounts, after all debts against the account~~  
31 ~~are satisfied, shall be allowed to request a weekly draw of up~~

1 to an amount set by the Secretary of Corrections, not to  
2 exceed \$100, to be expended for personal use on canteen and  
3 vending machine items.

4 ~~(g) The department shall annually compile a report~~  
5 ~~that specifically documents Inmate Welfare Trust Fund receipts~~  
6 ~~and expenditures. This report shall be compiled at both the~~  
7 ~~statewide and institutional levels. The department must submit~~  
8 ~~this report for the previous fiscal year by September 1 of~~  
9 ~~each year to the chairs of the appropriate substantive and~~  
10 ~~fiscal committees of the Senate and the House of~~  
11 ~~Representatives and to the Executive Office of the Governor.~~

12 Section 11. Section 945.21502, Florida Statutes, is  
13 repealed.

14 Section 12. Paragraph (c) of subsection (3) of section  
15 945.6037, Florida Statutes, is amended to read:

16 945.6037 Nonemergency health care; inmate  
17 copayments.--

18 (3)

19 (c) The expenses and operating capital outlay required  
20 to develop, implement, and maintain the medical copayment  
21 accounting system must be appropriated by the Legislature from  
22 ~~the Inmate Welfare Trust Fund. The fiscal assistants and~~  
23 ~~accountants at the correctional facilities funded from the~~  
24 ~~Inmate Welfare Trust Fund are, in addition to their duties~~  
25 ~~relating to the inmate canteen and bank, responsible for~~  
26 ~~managing the medical copayment system.~~

27 Section 13. Paragraph (a) of subsection (6) of section  
28 958.09, Florida Statutes, is amended to read:

29 958.09 Extension of limits of confinement.--

30 (6)(a) The department is authorized to levy fines only  
31 through disciplinary reports and only against inmates placed

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

9 Section 14. Chapter 2002-123, Laws of Florida, which  
10 recreates the Inmate Welfare Trust Fund effective November 4,  
11 2004, is repealed.

12 Section 15. Section 320.08046, Florida Statutes, is  
13 amended to read:

14 320.08046 Surcharge on license tax; General Revenue  
15 Fund.--There is levied on each license tax imposed under s.  
16 320.08, except those set forth in s. 320.08(11), a surcharge  
17 in the amount of \$1, which shall be collected in the same  
18 manner as the license tax. Of the proceeds of the license tax  
19 surcharge, 58 ~~40~~ percent shall be deposited into the General  
20 Revenue Fund and, ~~42~~ percent shall be deposited into the  
21 Grants and Donations Trust Fund in the Department of Juvenile  
22 Justice to fund the community juvenile justice partnership  
23 grants program, ~~and 18 percent shall be deposited into the~~  
24 ~~Florida Motor Vehicle Theft Prevention Trust Fund to fund~~  
25 ~~motor vehicle theft prevention programs pursuant to s.~~  
26 ~~860.158.~~

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

29 713.78 Liens for recovering, towing, or storing  
30 vehicles and vessels.--

31 (13)

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

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

11 Section 18. Section 860.158, Florida Statutes, as  
 12 amended by chapter 2002-402, Laws of Florida, is amended to  
 13 read:

14 860.158 Florida Motor Vehicle Theft Prevention  
 15 Authority Expenditures Trust Fund.--

16 ~~(1) There is hereby established within the Department~~  
 17 ~~of Legal Affairs the Florida Motor Vehicle Theft Prevention~~  
 18 ~~Trust Fund, which shall be administered by the executive~~  
 19 ~~director of the authority at the direction of the board. All~~  
 20 ~~interest earned from the investment or deposit of moneys~~  
 21 ~~accumulated in the trust fund shall be deposited in the trust~~  
 22 ~~fund. The trust fund shall be funded from the surcharge~~  
 23 ~~collected under s. 320.08046.~~

24 ~~(2)(a)~~ Money appropriated to the authority in the trust  
 25 fund shall be expended as follows:

26 ~~(1)1.~~ (1)1. To pay the authority's cost to administer the  
 27 board and the trust fund.

28 ~~(2)2.~~ (2)2. To achieve the purposes and objectives of this  
 29 act, which may include, but not be limited to, the following:

30 ~~(a)a.~~ (a)a. To provide financial support to law enforcement  
 31 and correctional agencies, prosecutors, and the judiciary for

1 programs designed to reduce motor vehicle theft and to improve  
2 the administration of motor vehicle theft laws.

3 (b)~~b~~. To provide financial support for federal and  
4 state agencies, units of local government, corporations, and  
5 neighborhood, community, or business organizations for  
6 programs designed to reduce motor vehicle theft and to improve  
7 the administration of motor vehicle theft laws.

8 (c)~~c~~. To provide financial support to conduct programs  
9 designed to inform owners of motor vehicles about the  
10 financial and social cost of motor vehicle theft and to  
11 suggest to those owners methods for preventing motor vehicle  
12 theft.

13 (d)~~d~~. To provide financial support for plans,  
14 programs, and projects consistent with the purposes of this  
15 act.

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

21 Section 19. This act shall take effect July 1, 2003.  
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