

591-985B-07

1 A bill to be entitled  
2 An act relating to the Department of  
3 Corrections; amending s. 316.003, F.S.;  
4 including vehicles operated by the department  
5 within the definition of the term "authorized  
6 emergency vehicles" for purposes of the Florida  
7 Uniform Traffic Control Law; amending s.  
8 316.2397, F.S.; authorizing the department to  
9 operate vehicles that have emergency lights and  
10 sirens; amending s. 945.215, F.S.; providing  
11 for the funds in the Employee Benefit Trust  
12 Fund to be used for certain additional  
13 purposes; limiting the types of donations that  
14 the department may accept for deposit into the  
15 fund; requiring that the fund be subject to  
16 oversight by the Secretary of Corrections and  
17 an annual audit; requiring that the department  
18 provide an annual report concerning allocations  
19 from the trust fund at the request of the  
20 Legislature and Governor; requiring that the  
21 department adopt rules; amending s. 945.21501,  
22 F.S.; requiring that facilities constructed  
23 using funds from the Employee Benefit Trust  
24 Fund provide maximum benefit for all employees;  
25 requiring that the department adopt rules;  
26 providing an effective date.

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

29  
30 Section 1. Subsection (1) of section 316.003, Florida  
31 Statutes, is amended to read:

1 316.003 Definitions.--The following words and phrases,  
2 when used in this chapter, shall have the meanings  
3 respectively ascribed to them in this section, except where  
4 the context otherwise requires:

5 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the  
6 fire department (fire patrol), police vehicles, and such  
7 ambulances and emergency vehicles of municipal departments,  
8 public service corporations operated by private corporations,  
9 the Department of Environmental Protection, the Department of  
10 Health, ~~and~~ the Department of Transportation, and the  
11 Department of Corrections as are designated or authorized by  
12 their respective department or the chief of police of an  
13 incorporated city or any sheriff of any of the various  
14 counties.

15 Section 2. Subsection (3) of section 316.2397, Florida  
16 Statutes, is amended to read:

17 316.2397 Certain lights prohibited; exceptions.--

18 (3) Vehicles of the fire department and fire patrol,  
19 including vehicles of volunteer firefighters as permitted  
20 under s. 316.2398, vehicles of medical staff physicians or  
21 technicians of medical facilities licensed by the state as  
22 authorized under s. 316.2398, ambulances as authorized under  
23 this chapter, and buses and taxicabs as authorized under s.  
24 316.2399 are permitted to show or display red lights. Vehicles  
25 of the fire department, fire patrol, police vehicles, and such  
26 ambulances and emergency vehicles of municipal and county  
27 departments, public service corporations operated by private  
28 corporations, the Department of Environmental Protection, the  
29 Department of Transportation, ~~and~~ the Department of  
30 Agriculture and Consumer Services, and the Department of  
31 Corrections as are designated or authorized by their

1 | respective department or the chief of police of an  
2 | incorporated city or any sheriff of any county are hereby  
3 | authorized to operate emergency lights and sirens in an  
4 | emergency. Wreckers, mosquito control fog and spray vehicles,  
5 | and emergency vehicles of governmental departments or public  
6 | service corporations may show or display amber lights when in  
7 | actual operation or when a hazard exists provided they are not  
8 | used going to and from the scene of operation or hazard  
9 | without specific authorization of a law enforcement officer or  
10 | law enforcement agency. Wreckers must use amber rotating or  
11 | flashing lights while performing recoveries and loading on the  
12 | roadside day or night, and may use such lights while towing a  
13 | vehicle on wheel lifts, slings, or under reach if the operator  
14 | of the wrecker deems such lights necessary. A flatbed, car  
15 | carrier, or rollback may not use amber rotating or flashing  
16 | lights when hauling a vehicle on the bed unless it creates a  
17 | hazard to other motorists because of protruding objects.  
18 | Further, escort vehicles may show or display amber lights when  
19 | in the actual process of escorting oversized equipment,  
20 | material, or buildings as authorized by law. Vehicles of  
21 | private watch, guard, or patrol agencies licensed pursuant to  
22 | chapter 493 may show or display amber lights while patrolling  
23 | condominium, cooperative, and private residential and business  
24 | communities by which employed and which traverse public  
25 | streets or highways.

26 |           Section 3. Subsection (3) of section 945.215, Florida  
27 | Statutes, is amended to read:

28 |           945.215 Inmate welfare and employee benefit trust  
29 | funds.--

30 |           (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF  
31 | CORRECTIONS.--

1 (a) The department may establish an Employee Benefit  
2 Trust Fund. Trust fund sources may be derived from any of the  
3 following:

4 1. Proceeds of vending machines, staff canteens, or  
5 other such services not intended for use by inmates.

6 2. Net proceeds of the recycling program.

7 ~~3.2.~~ Donations, except for donations made by, or on  
8 behalf of, an individual inmate, and except for donations made  
9 by a person who provides, or seeks to provide, goods or  
10 services to the department under a contract or an agreement,  
11 individually or through a corporation or organization.

12 ~~4.3.~~ Additional trust funds and grants which may  
13 become available.

14 (b) Funds from the Employee Benefit Trust Fund may be  
15 used for employee appreciation programs and activities and to  
16 construct, operate, and maintain training and recreation  
17 facilities at correctional facilities for the exclusive use of  
18 department employees. Such facilities are the property of the  
19 department and must provide the maximum benefit to all  
20 interested employees, regardless of gender.

21 (c) The Employee Benefit Trust Fund shall be  
22 established as a separate and distinct set of accounts, which  
23 shall be maintained centrally by the department, overseen by  
24 the secretary, and subject to an annual audit by the  
25 department's inspector general.

26 (d) The department shall maintain sufficient data to  
27 provide an annual report, upon request, to the President of  
28 the Senate, the Speaker of the House of Representatives, and  
29 the Executive Office of the Governor on January 1 which lists  
30 the types of services provided using moneys in the trust fund  
31 and the allocations of funds spent.

1           (e) The department shall adopt rules under ss.  
2 120.536(1) and 120.54 to administer this subsection.

3           Section 4. Section 945.21501, Florida Statutes, is  
4 amended to read:

5           945.21501 Employee Benefit Trust Fund.--

6           (1) There is hereby created in the Department of  
7 Corrections the Employee Benefit Trust Fund. The purpose of  
8 the trust fund shall be to:

9           (a) Construct, operate, and maintain training and  
10 recreation facilities at correctional facilities for the  
11 exclusive use of department employees. Any facility  
12 constructed using funds from the Employee Benefit Trust Fund  
13 is the property of the department and must provide the maximum  
14 benefit to all interested employees, regardless of gender.

15           (b) Provide funding for employee appreciation programs  
16 and activities designed to enhance the morale of employees.

17  
18 Moneys shall be deposited in the trust fund as provided in s.  
19 945.215.

20           (2) Notwithstanding the provisions of s. 216.301 and  
21 pursuant to s. 216.351, any balance in the trust fund at the  
22 end of any fiscal year shall remain in the trust fund at the  
23 end of the year and shall be available for carrying out the  
24 purposes of the trust fund.

25           (3) The department shall adopt rules pursuant to ss.  
26 120.536(1) and 120.54 to administer this section.

27           Section 5. This act shall take effect upon becoming a  
28 law.

29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Authorizes the Department of Corrections to operate emergency vehicles having lights and sirens. Revises the purposes of the Employee Benefit Trust Fund within the department. Prohibits certain donations into the fund. Requires annual audits of the fund. Requires reports concerning uses of the fund at the request of the Legislature and Governor. (See bill for details.)