

By the Committee on Criminal Justice; and Senator Evers

591-02914-16

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1 A bill to be entitled

2 An act relating to inmate welfare and employee benefit
3 trust funds; amending s. 945.215, F.S.; requiring that
4 specified proceeds and funds be deposited in the
5 State-Operated Institutions Inmate Welfare Trust Fund
6 or the General Revenue Fund, rather than only the
7 General Revenue Fund; requiring that the State-
8 Operated Institutions Inmate Welfare Trust Fund be a
9 trust held by the Department of Corrections for the
10 benefit and welfare of certain inmates; prohibiting
11 deposits in the trust fund from exceeding a specified
12 amount per fiscal year; requiring that deposits in
13 excess of that amount be deposited in the General
14 Revenue Fund; requiring that funds from the trust fund
15 be used exclusively for specified purposes at
16 correctional facilities operated by the department;
17 requiring that funds from the trust fund be expended
18 only pursuant to legislative appropriation; requiring
19 the department to annually compile a report, at the
20 statewide and institutional levels, documenting the
21 trust fund's receipts and expenditures; requiring that
22 the report be submitted by a certain date for the
23 previous fiscal year to specified officers of the
24 Legislature and to the Executive Office of the
25 Governor; prohibiting the funds from the trust fund or
26 any other fund from being used for the purchase of
27 weight training equipment; providing an effective
28 date.

29
30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Subsection (1) of section 945.215, Florida

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33 Statutes, is amended, present subsections (2) and (3) are
34 redesignated as subsections (3) and (4), respectively, and a new
35 subsection (2) is added to that section, to read:

36 945.215 Inmate welfare and employee benefit trust funds.—

37 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE-
38 OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

39 (a) ~~From~~ The net proceeds from operating inmate canteens,
40 vending machines used primarily by inmates and visitors, hobby
41 shops, and other such facilities must be deposited in the State-
42 Operated Institutions Inmate Welfare Trust Fund or, as set forth
43 in this section, in the General Revenue Fund; however, funds
44 necessary to purchase items for resale at inmate canteens and
45 vending machines must be deposited into local bank accounts
46 designated by the department.

47 (b) All proceeds from contracted telephone commissions must
48 be deposited in the State-Operated Institutions Inmate Welfare
49 Trust Fund or, as set forth in this section, in the General
50 Revenue Fund. The department shall develop and update, as
51 necessary, administrative procedures to verify that:

52 1. Contracted telephone companies accurately record and
53 report all telephone calls made by inmates incarcerated in
54 correctional facilities under the department's jurisdiction;

55 2. Persons who accept collect calls from inmates are
56 charged the contracted rate; and

57 3. The department receives the contracted telephone
58 commissions.

59 (c) Any funds that may be assigned by inmates or donated to
60 the department by the general public or an inmate service
61 organization must be deposited in the State-Operated

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62 Institutions Inmate Welfare Trust Fund or, as set forth in this
63 section, in the General Revenue Fund; however, the department
64 may ~~shall~~ not accept any donation from, or on behalf of, any
65 individual inmate.

66 (d) All proceeds from the following sources must be
67 deposited in the State-Operated Institutions Inmate Welfare
68 Trust Fund or, as set forth in this section, in the General
69 Revenue Fund:

- 70 1. The confiscation and liquidation of any contraband found
- 71 upon, or in the possession of, any inmate;
- 72 2. Disciplinary fines imposed against inmates;
- 73 3. Forfeitures of inmate earnings; and
- 74 4. Unexpended balances in individual inmate trust fund
- 75 accounts of less than \$1.

76 (e) Items for resale at inmate canteens and vending
77 machines maintained at the correctional facilities shall be
78 priced comparatively with like items for retail sale at fair
79 market prices.

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

87 (2) STATE-OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.-

88 (a) The State-Operated Institutions Inmate Welfare Trust
89 Fund shall be a trust held by the department for the benefit and
90 welfare of inmates incarcerated in correctional facilities

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91 operated directly by the department.

92 (b) Deposits in the State-Operated Institutions Inmate
93 Welfare Trust Fund may not exceed a total of \$5 million in any
94 fiscal year. Any proceeds or funds that would cause deposits in
95 the State-Operated Institutions Inmate Welfare Trust Fund to
96 exceed the restriction shall be deposited in the General Revenue
97 Fund.

98 (c) Funds in the State-Operated Institutions Inmate Welfare
99 Trust Fund shall be used exclusively for the following purposes
100 at correctional facilities operated by the department:

101 1. Providing literacy programs, vocational training
102 programs, and educational programs;

103 2. Operating inmate chapels, faith-based programs, visiting
104 pavilions, visiting services and programs, family services and
105 programs, and libraries;

106 3. Providing inmate substance abuse treatment programs and
107 transition and life skills training programs;

108 4. Providing for the purchase, rental, maintenance, or
109 repair of electronic or audiovisual equipment and service used
110 by inmates;

111 5. Providing for the purchase, rental, maintenance, or
112 repair of recreation and wellness equipment; or

113 6. Providing for the purchase, rental, maintenance, or
114 repair of bicycles used by inmates traveling to and from
115 employment in the work-release program authorized in s.
116 945.091(1)(b).

117 (d) Funds in the State-Operated Institutions Inmate Welfare
118 Trust Fund shall be expended only pursuant to legislative
119 appropriation.

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120 (e) The department shall annually compile a report that
121 specifically documents the State-Operated Institutions Inmate
122 Welfare Trust Fund receipts and expenditures. This report shall
123 be compiled at both the statewide and institutional levels. The
124 department must submit this report for the previous fiscal year
125 by September 1 of each year to the chairs of the appropriate
126 substantive and fiscal committees of the Senate and the House of
127 Representatives and to the Executive Office of the Governor.

128 (f) Funds in the State-Operated Institutions Inmate Welfare
129 Trust Fund or any other fund may not be used to purchase weight
130 training equipment.

131 Section 2. This act shall take effect July 1, 2016.