

By Senator Brandes

24-01049C-20

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1 A bill to be entitled
2 An act relating to inmate welfare trust funds;
3 amending s. 945.215, F.S.; requiring that specified
4 proceeds and funds be deposited into the State-
5 Operated Institutions Inmate Welfare Trust Fund;
6 providing that the trust fund is a trust held by the
7 Department of Corrections for the benefit and welfare
8 of certain inmates; prohibiting deposits into the
9 trust fund from exceeding a specified amount per
10 fiscal year; requiring that deposits in excess of that
11 amount be deposited into the General Revenue Fund;
12 requiring that funds of the trust fund be used
13 exclusively for specified purposes at correctional
14 facilities operated by the department; requiring that
15 funds from the trust fund be expended only pursuant to
16 legislative appropriation; requiring the department to
17 annually compile a report documenting trust fund
18 receipts and expenditures; requiring the department to
19 submit the report to the Governor and the Legislature
20 by a specified date each year; providing an
21 appropriation; providing a contingent effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Present subsections (2) and (3) of section
26 945.215, Florida Statutes, are redesignated as subsections (3)
27 and (4), respectively, a new subsection (2) is added to that
28 section, and paragraphs (a) through (d) of subsection (1) of
29 that section are amended, to read:

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30 945.215 Inmate welfare and employee benefit trust funds.-

31 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.-

32 (a) The net proceeds from operating inmate canteens,
33 vending machines used primarily by inmates and visitors, hobby
34 shops, and other such facilities must be deposited into the
35 State-Operated Institutions Inmate Welfare Trust Fund or, as
36 provided in paragraph (2) (b), into ~~in~~ the General Revenue Fund;
37 however, funds necessary to purchase items for resale at inmate
38 canteens and vending machines must be deposited into local bank
39 accounts designated by the department.

40 (b) All proceeds from contracted telephone commissions must
41 be deposited into the State-Operated Institutions Inmate Welfare
42 Trust Fund or, as provided in paragraph (2) (b), into ~~in~~ the
43 General Revenue Fund. The department shall develop and update,
44 as necessary, administrative procedures to verify that:

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

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

50 3. The department receives the contracted telephone
51 commissions.

52 (c) Any funds that may be assigned by inmates or donated to
53 the department by the general public or an inmate service
54 organization must be deposited into the State-Operated
55 Institutions Inmate Welfare Trust Fund or, as provided in
56 paragraph (2) (b), into ~~in~~ the General Revenue Fund; however, the
57 department shall not accept any donation from, or on behalf of,
58 any individual inmate.

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59 (d) All proceeds from the following sources must be
 60 deposited into the State-Operated Institutions Inmate Welfare
 61 Trust Fund or, as provided in paragraph (2) (b), into ~~in~~ the
 62 General Revenue Fund:

- 63 1. The confiscation and liquidation of any contraband found
- 64 upon, or in the possession of, any inmate;
- 65 2. Disciplinary fines imposed against inmates;
- 66 3. Forfeitures of inmate earnings; and
- 67 4. Unexpended balances in individual inmate trust fund
- 68 accounts of less than \$1.

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

70 (a) The State-Operated Institutions Inmate Welfare Trust
 71 Fund constitutes a trust held by the department for the benefit
 72 and welfare of inmates incarcerated in correctional facilities
 73 operated directly by the department.

74 (b) Deposits into the trust fund may not exceed a total of
 75 \$10 million in any fiscal year. Any proceeds or funds that would
 76 cause deposits into the trust fund to exceed this limit must be
 77 deposited into the General Revenue Fund.

78 (c) Funds in the trust fund shall be used exclusively to
 79 provide for or operate any of the following at correctional
 80 facilities operated by the department:

81 1. Literacy programs, vocational training programs, and
 82 educational programs.

83 2. Inmate chapels, faith-based programs, visiting
 84 pavilions, visiting services and programs, family services and
 85 programs, and libraries.

86 3. Inmate substance abuse treatment programs and transition
 87 and life skills training programs.

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88 4. The purchase, rental, maintenance, or repair of
89 electronic or audiovisual equipment, media, services, and
90 programming used by inmates.

91 5. The purchase, rental, maintenance, or repair of
92 recreation and wellness equipment.

93 6. The purchase, rental, maintenance, or repair of bicycles
94 used by inmates traveling to and from employment in the work-
95 release program authorized under s. 945.091(1)(b).

96 (d) Funds in the trust fund may be expended only pursuant
97 to legislative appropriation.

98 (e) The department shall annually compile a report that
99 documents State-Operated Institutions Inmate Welfare Trust Fund
100 receipts and expenditures. This report must be compiled at both
101 the statewide and institutional levels. The department must
102 submit the report for the previous fiscal year by October 1 of
103 each year to the Executive Office of the Governor and the chairs
104 of the appropriate substantive and fiscal committees of the
105 Senate and the House of Representatives.

106 Section 2. For the 2020-2021 fiscal year, the sum of \$10
107 million in recurring funds is appropriated from the State-
108 Operated Institutions Inmate Welfare Trust Fund to the
109 Department of Corrections for the purpose of providing for the
110 welfare of inmates incarcerated in correctional facilities
111 operated directly by the department pursuant to s. 945.215(2),
112 Florida Statutes.

113 Section 3. This act shall take effect on the same date that
114 SB ___ or similar legislation takes effect if such legislation
115 is enacted in the same legislative session or an extension
116 thereof and becomes a law.