

By the Committees on Appropriations; and Criminal Justice; and
Senators Brandes, Pizzo, Bracy, and Powell

576-04304-20

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1 A bill to be entitled
2 An act relating to inmate welfare trust funds;
3 amending s. 944.516, F.S.; requiring that certain
4 amounts in inmate trust fund accounts be deposited
5 into the trust fund; amending s. 945.215, F.S.;
6 requiring that specified proceeds and funds be
7 deposited into the State-Operated Institutions Inmate
8 Welfare Trust Fund; providing that the trust fund is a
9 trust held by the Department of Corrections for the
10 benefit and welfare of certain inmates; prohibiting
11 deposits into the trust fund from exceeding a
12 specified amount per fiscal year; requiring that
13 deposits in excess of that amount be deposited into
14 the General Revenue Fund; requiring that funds of the
15 trust fund be used exclusively for specified purposes
16 at 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
20 documenting trust fund receipts and expenditures;
21 requiring the department to submit the report to the
22 Governor and the Legislature by a specified date each
23 year; amending s. 946.002, F.S.; requiring that
24 certain prisoner earnings are deposited into the trust
25 fund; providing an appropriation; providing a
26 contingent effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (5) of section 944.516, Florida
31 Statutes, is amended to read:

32 944.516 Money or other property received for personal use
33 or benefit of inmate; deposit; disposition of unclaimed trust
34 funds.—The Department of Corrections shall protect the financial
35 interest of the state with respect to claims which the state may
36 have against inmates in state institutions under its supervision
37 and control and shall administer money and other property
38 received for the personal benefit of such inmates. In carrying
39 out the provisions of this section, the department may delegate
40 any of its enumerated powers and duties affecting inmates of an
41 institution to the warden or regional director who shall
42 personally, or through designated employees of his or her
43 personal staff under his or her direct supervision, exercise
44 such powers or perform such duties.

45 (5) When an inmate is transferred between department
46 facilities, is released from the custody of the department,
47 dies, or escapes during incarceration, and the inmate has an
48 unexpended inmate trust fund account balance of less than \$1,
49 that balance shall be transferred to the State-Operated
50 Institutions Inmate Welfare Trust Fund or, as provided in s.
51 945.215(2)(b), into the General Revenue Fund.

52 Section 2. Present subsections (2) and (3) of section
53 945.215, Florida Statutes, are redesignated as subsections (3)
54 and (4), respectively, a new subsection (2) is added to that
55 section, and paragraphs (a) through (d) of subsection (1) of
56 that section are amended, to read:

57 945.215 Inmate welfare and employee benefit trust funds.—

58 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

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59 (a) The net proceeds from operating inmate canteens,
60 vending machines used primarily by inmates and visitors, hobby
61 shops, and other such facilities must be deposited into the
62 State-Operated Institutions Inmate Welfare Trust Fund or, as
63 provided in paragraph (2) (b), into ~~in~~ the General Revenue Fund;
64 however, funds necessary to purchase items for resale at inmate
65 canteens and vending machines must be deposited into local bank
66 accounts designated by the department.

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

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

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

77 3. The department receives the contracted telephone
78 commissions.

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

86 (d) All proceeds from the following sources must be
87 deposited into the State-Operated Institutions Inmate Welfare

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88 Trust Fund or, as provided in paragraph (2) (b), into in the
89 General Revenue Fund:

- 90 1. The confiscation and liquidation of any contraband found
91 upon, or in the possession of, any inmate;
- 92 2. Disciplinary fines imposed against inmates;
- 93 3. Forfeitures of inmate earnings; and
- 94 4. Unexpended balances in individual inmate trust fund
95 accounts of less than \$1.

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

97 (a) The State-Operated Institutions Inmate Welfare Trust
98 Fund constitutes a trust held by the department for the benefit
99 and welfare of inmates incarcerated in correctional facilities
100 operated directly by the department.

101 (b) Deposits into the trust fund may not exceed a total of
102 \$2.5 million in any fiscal year. Any proceeds or funds that
103 would cause deposits into the trust fund to exceed this limit
104 must be deposited into the General Revenue Fund.

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

108 1. Literacy programs, vocational training programs, and
109 educational programs.

110 2. Inmate chapels, faith-based programs, visiting
111 pavilions, visiting services and programs, family services and
112 programs, and libraries.

113 3. Inmate substance abuse treatment programs and transition
114 and life skills training programs.

115 4. The purchase, rental, maintenance, or repair of
116 electronic or audiovisual equipment, media, services, and

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117 programming used by inmates.

118 5. The purchase, rental, maintenance, or repair of
119 recreation and wellness equipment.

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

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

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

133 Section 3. Paragraph (b) of subsection (4) of section
134 946.002, Florida Statutes, is amended to read:

135 946.002 Requirement of labor; compensation; amount;
136 crediting of account of prisoner; forfeiture; civil rights;
137 prisoner not employee or entitled to compensation insurance
138 benefits.—

139 (4)

140 (b) When any prisoner escapes, the department shall
141 determine what portion of the prisoner's earnings shall be
142 forfeited, and such forfeiture shall be deposited in the State
143 Treasury in the State-Operated Institutions Inmate Welfare Trust
144 Fund of the department or, as provided in s. 945.215(2)(b), into
145 the General Revenue Fund.

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146 Section 4. For the 2020-2021 fiscal year, the sum of \$2.5
147 million in recurring funds is appropriated from the State-
148 Operated Institutions Inmate Welfare Trust Fund to the
149 Department of Corrections for the purpose of providing for the
150 welfare of inmates incarcerated in correctional facilities
151 operated directly by the department pursuant to s. 945.215(2),
152 Florida Statutes.

153 Section 5. This act shall take effect on the same date that
154 SB 1116 or similar legislation takes effect if such legislation
155 is enacted in the same legislative session or an extension
156 thereof and becomes a law.