

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:

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
 41 | must be deposited into the State-Operated Institutions Inmate
 42 | Welfare Trust Fund or, as provided in paragraph (2) (b), into ~~in~~
 43 | the General Revenue Fund. The department shall develop and
 44 | update, 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
 53 to 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.

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
- 64 found 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
 70 FUND.—

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

75 (b) Deposits into the trust fund may not exceed a total of

76 \$10 million in any fiscal year. Any proceeds or funds that would
77 cause deposits into the trust fund to exceed this limit must be
78 deposited into the General Revenue Fund.

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

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

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

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

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

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

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

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

99 (e) The department shall annually compile a report that
100 documents State-Operated Institutions Inmate Welfare Trust Fund

101 receipts and expenditures. This report must be compiled at both
102 the statewide and institutional levels. The department must
103 submit the report for the previous fiscal year by October 1 of
104 each year to the Executive Office of the Governor and the chairs
105 of the appropriate substantive and fiscal committees of the
106 Senate and the House of Representatives.

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

114 Section 3. This act shall take effect on the same date
115 that HB 869 or similar legislation takes effect if such
116 legislation is enacted in the same legislative session or an
117 extension thereof and becomes a law.