

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

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

Section 1. Subsection (5) of section 944.516, Florida Statutes, is amended to read:

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

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

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

56 945.215 Inmate welfare and employee benefit trust funds.—

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

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

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

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

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

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

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

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

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

95           (2) STATE-OPERATED INSTITUTIONS INMATE WELFARE TRUST  
96 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 \$10 million in any fiscal year. Any proceeds or funds that would  
103 cause deposits into the trust fund to exceed this limit must be  
104 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  
114 transition and life skills training programs.

115 4. The purchase, rental, maintenance, or repair of  
116 electronic or audiovisual equipment, media, services, and  
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  
121 bicycles used by inmates traveling to and from employment in the  
122 work-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.

146 Section 4. For the 2020-2021 fiscal year, the sum of \$10  
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  
154 | that HB 869 or similar legislation takes effect if such  
155 | legislation is enacted in the same legislative session or an  
156 | extension thereof and becomes a law.