

# CHAPTER 98-388

## House Bill No. 4663

An act relating to criminal justice trust funds; terminating specified trust funds and fund accounts within the state courts system and the Department of Corrections; providing for the transfer of current balances to general revenue, the paying of outstanding debts and obligations, and the removal of the terminated funds and accounts from the various state accounting systems; modifying provisions relating to specified trust funds and fund accounts within the state courts system and the Department of Corrections; amending s. 216.272, F.S., relating to Working Capital Trust Funds used to fund data processing centers; removing reference to the judicial branch; amending s. 945.215, F.S.; providing sources of funds and purposes of the Inmate Welfare Trust Fund, the Privately Owned Institutions Inmate Welfare Trust Fund, and the Employee Benefit Trust Fund within the department; providing for annual appropriation of funds deposited in the Inmate Welfare Trust Fund; requiring certain annual reports; amending s. 944.803, F.S., relating to faith-based programs for inmates; revising a reference, to conform; amending s. 945.31, F.S.; providing for deposit of the department's administrative processing fee in the department's Operating Trust Fund; amending s. 945.76, F.S.; revising provisions relating to fees for certification and monitoring of batterers' intervention programs; providing for deposit of such fees in the department's Operating Trust Fund; amending s. 944.10, F.S.; providing for deposit of contractual service and inmate labor fees in the Correctional Work Program Trust Fund; amending s. 948.09, F.S.; providing for deposit of the electronic monitoring surcharge in the department's Operating Trust Fund; amending s. 951.23, F.S.; providing for deposit of fees collected pursuant to local detention facility inspection agreements in the department's Operating Trust Fund; providing an effective date.

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

Section 1. (1) The following trust funds and fund accounts are terminated on July 1, 1998:

(a) Within the state courts system:

1. Appellate Opinion Distribution Trust Fund, SAMAS number 222215.
2. Working Capital Trust Fund, SAMAS number 222792.

(b) Within the Department of Corrections:

1. Hurricane Andrew Recovery and Rebuilding Trust Fund, SAMAS number 702205.

2. Working Capital Trust Fund, SAMAS number 702792.

(2) All current balances remaining in, and all revenues of, the trust funds and fund accounts terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund or fund account terminated by this act, the state courts system or Department of Corrections, as applicable, shall pay any outstanding debts or obligations of the terminated fund or account as soon as practicable, and the Comptroller shall close out and remove the terminated fund or account from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Section 216.272, Florida Statutes, is amended to read:

216.272 Working Capital Trust Funds.—

(1) There are hereby created Working Capital Trust Funds for the purpose of providing sufficient funds for the operation of data processing centers, which may include the creation of a reserve account within the Working Capital Trust Fund to pay for future information technology resource acquisitions as appropriated by the Legislature. Such funds shall be created from moneys budgeted for data processing services and equipment by those agencies, ~~and the judicial branch,~~ to be served by the data processing center.

(2) The funds so allocated shall be in an amount sufficient to finance the center's operation; however, each agency ~~or judicial branch~~ served by the center shall contribute an amount equal to its proportionate share of cost of operating such data processing center. Each agency, ~~or the judicial branch,~~ utilizing the services of the data processing center shall pay such moneys into the appropriate Working Capital Trust Fund on a quarterly basis or such other basis as may be determined by the Executive Office of the Governor ~~or the Chief Justice as appropriate.~~

Section 3. Section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE WELFARE TRUST FUND; DEPARTMENT OF CORRECTIONS.—

(a) The Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department. Funds shall be credited to the trust fund as follows:

1. All funds moneys held in any auxiliary, canteen, welfare, or similar fund in any correctional facility operated directly by the department state institution under the jurisdiction of the Department of Corrections shall be deposited in the Inmate Welfare Trust Fund of the department, which fund is created in the State Treasury, to be appropriated annually by the Legislature and deposited in the Department of Corrections Grants and Donations Trust Fund.

2. All net proceeds from operating inmate canteens, vending machines used primarily by inmates, hobby shops, and other such facilities; however, funds necessary to moneys budgeted by the department for the purchase of items for resale at inmate canteens and or vending machines must be deposited into local bank accounts designated by the department. The department shall submit to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year a report that documents the receipts and expenditures, including a verification of telephone commissions, from the Inmate Welfare Trust Fund for the previous fiscal year. The report must present this information by program, by institution, and by type of receipt.

3. All proceeds from contracted telephone commissions. The department shall develop and update, as necessary, administrative procedures to verify that:

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

b. Persons who accept collect calls from inmates are charged the contracted rate; and

c. The department receives the contracted telephone commissions.

4. Any funds that may be assigned by inmates or donated to the department by the general public or an inmate service organization; however, the department shall not accept any donation from, or on behalf of, any individual inmate.

5. Repayment of the one-time sum of \$500,000 appropriated in fiscal year 1996-1997 from the Inmate Welfare Trust Fund for correctional work programs pursuant to s. 946.008.

6. All proceeds from:

a. The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;

b. Disciplinary fines imposed against inmates;

c. Forfeitures of inmate earnings; and

d. Unexpended balances in individual inmate trust fund accounts of less than \$1.

7. All interest earnings and other proceeds derived from investments of funds deposited in the trust fund. In the manner authorized by law for fiduciaries, the secretary of the department, or the secretary's designee, may invest any funds in the trust fund when it is determined that such funds are not needed for immediate use.

(b) Funds Beginning with the legislative appropriation for fiscal year 1995-1996 and thereafter, the money in the Inmate Welfare Trust Fund

must be used exclusively for the following purposes at correctional facilities operated directly by the department:

1. To operate inmate canteens and vending machines, including purchasing purchase items for resale at the inmate canteens and vending machines, maintained at the correctional facilities;

2. ~~employing To employ~~ personnel and inmates to manage, supervise, and operate inmate the canteens and vending machines, ~~at the correctional facilities;~~

3. and covering other ~~For~~ operating and fixed capital outlay expenses associated with operating the operation of inmate canteens and vending machines;

2.4. To employ personnel to manage and supervise the proceeds from telephone commissions;

3. To develop, implement, and maintain the medical copayment accounting system;

4.5. ~~To employ personnel for correctional education~~ To provide literacy programs, vocational training programs, and educational academic programs that comply with standards of the Department of Education, including employing personnel and covering other;

6. ~~For~~ operating and fixed capital outlay expenses associated with providing such programs ~~the delivery to inmates of literacy programs, vocational training, and academic programs that comply with standards of the Department of Education;~~

5.7. To operate inmate chapels, faith-based programs, visiting pavilions, libraries, and law libraries, including employing personnel and covering other ~~For~~ operating and fixed capital outlay expenses associated with operating the operation of inmate chapels, faith-based programs, visiting pavilions, libraries, and law libraries ~~visiting pavilions;~~

8. ~~To employ personnel to operate the~~ libraries, chapels, and visiting pavilions;

6.9. To provide for expenses associated with various inmate clubs;

7.10. To provide for expenses associated with legal services for inmates;

8.11. ~~To employ personnel~~ To provide inmate substance abuse treatment programs and transition and life skills training programs, including employing personnel; and

12. covering other ~~For~~ operating and fixed capital outlay expenses associated with providing such programs ~~the delivery of inmate substance abuse treatment and transition and life skills training programs.~~

(c) The Legislature shall annually appropriate the funds deposited in the Inmate Welfare Trust Fund. It is the intent of the Legislature that total

~~annual expenditures for providing literacy programs, vocational training programs, and educational programs exceed the combined items listed in subparagraphs 5. and 6. must exceed the total annual expenditures for operating inmate chapels, faith-based programs, visiting pavilions, libraries, and law libraries, covering expenses associated with inmate clubs, and providing inmate substance abuse treatment programs and transition and life skills training programs items listed in subparagraphs 7. through 12.~~

~~(d) Funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase cable television service, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audiovisual equipment for inmate training or educational programs. The department shall develop administrative procedures to verify that contracted telephone commissions are being received, that persons who have accepted collect calls from inmates are being charged the contracted rate, and that contracted telephone companies are accurately and completely recording and reporting all inmate telephone calls made.~~

~~(e) There shall be deposited in the Inmate Welfare Trust Fund all net proceeds from the operation of canteens, vending machines, hobby shops, and other such facilities and any moneys that may be assigned by the inmates or donated to the department by the general public or an inmate service organization for deposit in the fund. However, the department shall refuse to accept any donations from or on behalf of any individual inmate. The moneys of the fund shall constitute a trust held by the department for the benefit and welfare of the inmates of the institutions under the jurisdiction of the department.~~

~~(d) There shall be deposited in the Inmate Welfare Trust Fund such moneys as constitute repayment of the one-time sum appropriated pursuant to s. 946.008.~~

~~(e) Any contraband found upon, or in the possession of, any inmate in any institution under the jurisdiction of the department shall be confiscated and liquidated, and the proceeds thereof shall be deposited in the Inmate Welfare Trust Fund of the department.~~

~~(f) The secretary of the department or the secretary's designee may invest in the manner authorized by law for fiduciaries any money in the Inmate Welfare Trust Fund of the department that in his or her opinion is not necessary for immediate use, and the interest earned and other increments derived from such investments made pursuant to this section shall be deposited in the Inmate Welfare Trust Fund of the department.~~

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

~~(f)(h) Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all~~

debts against the account are satisfied, shall be allowed to request a weekly draw of up to \$45 to be expended for personal use on canteen and vending machine items.

(g) The department shall annually compile a report that specifically documents Inmate Welfare Trust Fund receipts and expenditures. This report shall be compiled at both the statewide and institutional levels. The department must submit this report for the previous fiscal year by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and the House of Representatives and to the Executive Office of the Governor.

(2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.—

(a) For purposes of this subsection, privately operated institutions or private correctional facilities are those correctional facilities under contract with the department pursuant to chapter 944 or the Correctional Privatization Commission pursuant to chapter 957.

(b)1. The net proceeds derived from inmate canteens, vending machines used primarily by inmates, telephone commissions, and similar sources at private correctional facilities shall be deposited in the Privately Operated Institutions Inmate Welfare Trust Fund.

2. Funds in the Privately Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative appropriation.

(c) The Correctional Privatization Commission shall annually compile a report that documents Privately Operated Institutions Inmate Welfare Trust Fund receipts and expenditures at each private correctional facility. This report must specifically identify receipt sources and expenditures. The Correctional Privatization Commission shall compile this report for the prior fiscal year and shall submit the report by September 1 of each year to the chairs of the appropriate substantive and fiscal committees of the Senate and House of Representatives and to the Executive Office of the Governor.

(3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF CORRECTIONS.—

(a) The department may establish an Employee Benefit Trust Fund. Trust fund sources may be derived from any of the following:

1.(a) Proceeds of vending machines or other such services not intended for use by inmates.

2.(b) Donations, except donations by, or on behalf of, an individual inmate.

3.(c) Additional trust funds and grants which may become available.

(b) Funds from the Employee Benefit Trust Fund Such fund shall be maintained and audited separately and apart from the Inmate Welfare Trust Fund. Portions of the fund may be used to construct, operate, and

maintain training and recreation facilities at correctional facilities for the exclusive use of department employees respective institutions. Such facilities ~~are shall~~ be the property of the department and must ~~shall~~ provide the maximum benefit to all interested employees, regardless of gender of both sexes, including teachers, clerical staff, medical and psychological services personnel, and officers and administrators.

Section 4. Paragraph (d) of subsection (2) of section 944.803, Florida Statutes, is amended to read:

944.803 Faith-based programs for inmates.—

(2) It is the intent of the Legislature that the Department of Corrections and the private vendors operating private correctional facilities shall continuously:

(d) Fund through the use of ~~the inmate welfare trust funds fund~~ pursuant to s. 945.215 an adequate number of chaplains and support staff to operate faith-based chaplaincy programs in state correctional institutions.

Section 5. Section 945.31, Florida Statutes, is amended to read:

945.31 Restitution and other payments.—The department may establish bank accounts outside the State Treasury for the purpose of collecting and disbursing restitution and other court-ordered payments from persons in its custody or under its supervision, and may collect an administrative processing fee in an amount equal to 4 percent of the gross amounts of such payments. Such administrative processing fee shall be deposited in the department's Operating Grants and Donations ~~Trust Fund~~ and shall be used to offset the cost of the department's services.

Section 6. Section 945.76, Florida Statutes, is amended to read:

945.76 Certification and monitoring of batterers' intervention programs; fees.—

(1) Pursuant to s. 741.32, the Department of Corrections is authorized to assess and collect:

(a) An annual certification fee ~~fees~~ not to exceed \$300 for the certification and monitoring of batterers' intervention programs certified by the Department of Corrections' Office of Certification and Monitoring of Batterers' Intervention Programs and.

(b) An annual certification fee not to exceed \$200 for the certification and monitoring of assessment personnel providing direct services to persons who:

1.(a) Are ordered by the court to participate in a domestic violence prevention program;

2.(b) Are adjudged to have committed an act of domestic violence as defined in s. 741.28;

~~3.(c)~~ Have an injunction entered for protection against domestic violence; or

~~4.(d)~~ Agree to attend a program as part of a diversion or pretrial intervention agreement by the offender with the state attorney.

(2) All persons required by the court to attend domestic violence programs certified by the Department of Corrections' Office of Certification and Monitoring of Batterers' Intervention Programs shall pay an additional \$30 fee for each 29-week program to the Department of Corrections.

(3) The fees assessed and collected under this section fee shall be deposited in the department's Operating Grants and Donations Trust Fund to be used by the department to fund the cost of certifying and monitoring batterers' intervention programs.

Section 7. Subsection (7) of section 944.10, Florida Statutes, is amended to read:

944.10 Department of Corrections to provide buildings; sale and purchase of land; contracts to provide services and inmate labor.—

(7) The department may enter into contracts with federal, state, or local governmental entities or subdivisions to provide services and inmate labor for the construction of buildings, parks, roads, any detention or commitment facilities, or any other project deemed to be appropriate by the Department of Corrections, which may include, but is not limited to, the planning, design, site acquisition or preparation, management, or construction of such projects. The department may charge fees for providing such services. All fees collected must be placed in the Correctional Work Program Grants and Donations Trust Fund.

Section 8. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(2) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay a \$1-per-day surcharge in addition to the cost of supervision fee as directed by the sentencing court. The surcharge shall be deposited in the Operating Grants and Donations Trust Fund to be used by the department for purchasing and maintaining electronic monitoring devices.

Section 9. Subsection (10) of section 951.23, Florida Statutes, is amended to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(10) Nothing in this section prohibits the governing board of a county or municipality to enter into an agreement with the Department of Corrections authorizing the department to inspect the local detention facilities under the



jurisdiction of the governing body. A governing board of a county or municipality may enter into such agreements with the department upon consultation with the sheriff if the sheriff operates the detention facility. The inspections performed by the department shall be consultative in nature and for the purpose of advising the local governing bodies concerning compliance with the standards adopted by the detention facility's chief correctional officer. Such agreements must include, but are not limited to, provisions for the physical and operational standards that were adopted by the chief correctional officer of the detention facility, the manner and frequency of inspections to be conducted by the department, whether such inspections are to be announced or unannounced by the department, the type of access the department may have to the detention facility, and the amount of payment by the local governing body, if any, for the services rendered by the department. Inspections and access to local detention facilities shall not interfere with custody of inmates or the security of the facilities as determined by the chief correctional officer of each facility. Any fees collected by the department pursuant to such agreements must be deposited into the Operating Grants and Donations Trust Fund and shall be used to pay the cost of the services provided by the department to monitor local detention facilities pursuant to such agreements. This subsection shall be repealed effective October 1, 1999.

Section 10. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval May 30, 1998.

Filed in Office Secretary of State May 29, 1998.