

Committee Substitute for House Bill No. 1429

An act relating to trust funds; creating s. 946.522, F.S.; creating the Prison Industries Trust Fund; providing for administration of the trust fund; providing for sources of moneys in the trust fund and purposes for which they may be used; exempting the trust fund from s. 215.20, F.S.; providing for carryover of the balance from one fiscal year to the next; providing that the trust fund is not subject to s. 19(f)(2), Art. III of the State Constitution; amending s. 946.512, F.S.; providing that certain funds are to be deposited into the Prison Industries Trust Fund rather than the Correctional Work Program Trust Fund; providing an effective date.

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

Section 1. Section 946.522, Florida Statutes, is created to read:

946.522 Prison Industries Trust Fund.—

(1) The Prison Industries Trust Fund is created, to be administered by the Department of Banking and Finance. The trust fund shall consist of moneys authorized to be deducted pursuant to 18 U.S.C. s. 1761(c) and the applicable federal guidelines, to be appropriated by the Legislature, and moneys deposited by the corporation authorized under this part to manage and operate correctional work programs. The appropriated funds shall be used by the corporation for purposes of construction or renovation of its facilities or for the expansion or establishment of correctional work programs as described in this part or for prison industries enhancement (PIE) programs as authorized under s. 946.523.

(2) The funds must be deposited in the State Treasury and may be paid out only on warrants drawn by the Comptroller upon receipt of a corporate resolution that has been duly authorized by the board of directors of the corporation authorized under this part to manage and operate correctional work programs. The corporation shall maintain all necessary records and accounts relative to such funds.

(3) The trust fund is exempt from s. 215.20.

(4) Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of that year and shall be available for carrying out the purposes of the trust fund.

(5) Pursuant to s. 19(f)(3), Art. III of the State Constitution, the trust fund consists of assets held by the state, in a trustee capacity, as an agent or fiduciary for the corporation authorized under this part, and is not subject to termination under s. 19(f)(2), Art. III of the State Constitution.

Section 2. Section 946.512, Florida Statutes, is amended to read:

946.512 Inmate compensation plan.—The corporation shall establish a compensation plan ~~that~~ which provides for a specific amount to be paid to the department to be credited to an account for an inmate performing labor and a portion ~~to~~ shall be used to make any court-ordered payments, including restitution to the victim, and a specific amount to be paid to the Prison Industries department's Correctional Work Program Trust Fund to be used as provided in s. ~~946.522~~ 946.32. Such funds, excluding victim restitution payments, court-ordered payments, and the amount credited to the account of the inmate, shall be deposited in the Prison Industries department's Correctional Work Program Trust Fund to be used as provided in s. ~~946.522~~ 946.32.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.