

House Bill No. 1875

An act relating to the operational authority for state correctional facilities; amending s. 20.315, F.S., relating to the Florida Corrections Commission; requiring the commission to resolve certain disputes between the Department of Corrections and a contractor; deleting obsolete provisions concerning the staff of the commission; amending s. 287.042, F.S.; authorizing the Department of Management Services to enter into certain contracts, acquire contractual rights and obligations, and manage and enforce compliance with contracts of the Correctional Privatization Commission; amending s. 394.9151, F.S.; authorizing the Department of Children and Family Services to contract with the Department of Management Services for the operation of facilities for sexually violent predators; amending s. 943.13, F.S., relating to the qualifications for correctional officers; conforming provisions to changes made by the act; amending ss. 944.02, 944.115, 944.72, 944.8041, and 945.215, F.S., relating to the state correctional system; requiring the Department of Management Services to assume the duties and responsibilities of the Correctional Privatization Commission; amending s. 957.01, F.S.; redesignating ch. 957, F.S., as the "Correctional Privatization Act"; amending ss. 957.02, 957.04, 957.06, 957.07, 957.08, 957.13, 957.14, 957.15, and 957.16, F.S., and repealing s. 957.03, F.S.; providing contract requirements for the Department of Management Services with respect to the operation of private correctional facilities; specifying duties of the Florida Corrections Commission; providing for the Department of Management Services to be the successor agency to the Correctional Privatization Commission with respect to contracts under ch. 957, F.S., which are in effect on a specified date; requiring certain cooperative agreements between the Department of Management Services, contractors, and the Department of Corrections; specifying duties of the Department of Management Services with respect to the operation, maintenance, and lease-purchase of private correctional facilities and contract termination; providing for the modification and execution of agreements with contractors to conform to changes made by the act; amending s. 944.516, F.S.; authorizing the department to charge inmates a monthly administrative processing fee for banking services; specifying a maximum amount; providing for deposit and use of such fees; providing effective dates.

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

Section 1. Paragraphs (b) and (e) of subsection (6) of section 20.315, Florida Statutes, are amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(6) FLORIDA CORRECTIONS COMMISSION.—

(b) The primary functions of the commission are to:

1. Recommend major correctional policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state correctional system and recommend improvements therein to the Governor and the Legislature.

3. Annually perform an in-depth review of community-based intermediate sanctions and recommend to the Governor and the Legislature intergovernmental approaches through the Community Corrections Partnership Act for planning and implementing such sanctions and programs.

4. Perform an in-depth evaluation of the annual budget request of the Department of Corrections, the comprehensive correctional master plan, and the tentative construction program for compliance with all applicable laws and established departmental policies. The commission may not consider individual construction projects, but shall consider methods of accomplishing the department's goals in the most effective, efficient, and business-like manner.

5. Routinely monitor the financial status of the Department of Corrections to assure that the department is managing revenue and any applicable bond proceeds responsibly and in accordance with law and established policy.

6. Evaluate, at least quarterly, the efficiency, productivity, and management of the Department of Corrections, using performance and production standards developed by the department under former subsection (18).

7. Provide public education on corrections and criminal justice issues.

8. Report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by November 1 of each year.

9. Resolve disputes between the Department of Corrections and the contractors for the private correctional facilities entered into under chapter 957 when a contractor proposes to waive a rule, policy, or procedure concerning operation standards.

(e) The commission shall appoint an executive director and an assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service rules; however, the commission shall have complete authority for fixing the salaries of the executive director and the assistant executive

~~director. The executive director and staff of the Task Force for Review of the Criminal Justice and Corrections System, created under chapter 93-404, Laws of Florida, shall serve as the staff for the commission until the commission hires an executive director.~~

Section 2. Subsection (17) is added to section 287.042, Florida Statutes, to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(17)(a) To enter into contracts pursuant to chapter 957, and to acquire the contractual rights and assume the contractual obligations of the Correctional Privatization Commission in contracts previously entered into pursuant to chapter 957, for the designing, financing, acquiring, leasing, constructing, or operating of private correctional facilities. The department shall enter into a contract or contracts with one contractor per facility for the designing, acquiring, financing, leasing, constructing, and operating of that facility or may, if specifically authorized by the Legislature, separately contract for any such services.

(b) To manage and enforce compliance with existing or future contracts entered into pursuant to chapter 957.

The department may not delegate the responsibilities conferred by this subsection.

Section 3. Section 394.9151, Florida Statutes, is amended to read:

394.9151 Contract authority.—The Department of Children and Family Services may contract with a private entity or state agency for use of and operation of facilities to comply with the requirements of this act. The Department of Children and Family Services may also contract with the Department of Management Services ~~Correctional Privatization Commission as defined in chapter 957~~ to issue a request for proposals and monitor contract compliance for these services.

Section 4. Section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Department of Management Services ~~Correctional Privatization Commission~~ shall:

- (1) Be at least 19 years of age.
- (2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.

(3) Be a high school graduate or its “equivalent” as the commission has defined the term by rule.

(4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

(5) Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission. If administrative delays are caused by the department or the Federal Bureau of Investigation and the person has complied with subsections (1)-(4) and(6)-(9), he or she may be employed or appointed for a period not to exceed 1 calendar year from the date he or she was employed or appointed or until return of the processed fingerprints documenting noncompliance with subsections (1)-(4) or subsection (7), whichever occurs first.

(6) Have passed a physical examination by a licensed physician or physician assistant, based on specifications established by the commission.

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

(8) Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the commission, attesting to his or her compliance with subsections (1)-(7). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that the intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The affidavit shall be retained by the employing agency.

(9) Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under this subsection. An applicant who has:

(a) Completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government; and

(b) Served as a full-time sworn officer in another state or for the Federal Government for at least 1 year provided there is no more than an 8-year break in employment, as measured from the separation date of the most

recent qualifying employment to the time a complete application is submitted for an exemption under this section,

is exempt in accordance with s. 943.131(2) from completing the commission-approved basic recruit training program.

(10) Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

(11) Comply with the continuing training or education requirements of s. 943.135.

Section 5. Subsection (4) of section 944.02, Florida Statutes, is amended to read:

944.02 Definitions.—The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(4) “Elderly offender” means a prisoner age 50 or older in a state correctional institution or facility operated by the Department of Corrections or the Department of Management Services ~~Correctional Privatization Commission~~.

Section 6. Subsection (1) and paragraph (b) of subsection (2) of section 944.115, Florida Statutes, are amended to read:

944.115 Smoking prohibited inside state correctional facilities.—

(1) The purpose of this section is to protect the health, comfort, and environment of employees of the Department of Corrections, employees of privately operated correctional facilities, ~~employees of the Correctional Privatization Commission~~, and inmates by prohibiting inmates from using tobacco products inside any office or building within state correctional facilities, and by ensuring that employees and visitors do not use tobacco products inside any office or building within state correctional facilities. Scientific evidence links the use of tobacco products with numerous significant health risks. The use of tobacco products by inmates, employees, or visitors is contrary to efforts by the Department of Corrections to reduce the cost of inmate health care and to limit unnecessary litigation. The Department of Corrections and the private vendors operating correctional facilities shall make smoking-cessation assistance available to inmates in order to implement this section. The Department of Corrections and the private vendors operating correctional facilities shall implement this section as soon as possible, and all provisions of this section must be fully implemented by January 1, 2000.

(2) As used in this section, the term:

(b) “Employee” means an employee of the department or a private vendor in a contractual relationship with either the Department of Corrections or the Department of Management Services ~~Correctional Privatization Commission~~, and includes persons such as contractors, volunteers, or law en-

forcement officers who are within a state correctional facility to perform a professional service.

Section 7. Subsection (1) of section 944.72, Florida Statutes, is amended to read:

944.72 Privately Operated Institutions Inmate Welfare Trust Fund.—

(1) There is hereby created in the Department of Corrections the Privately Operated Institutions Inmate Welfare Trust Fund. The purpose of the trust fund shall be the benefit and welfare of inmates incarcerated in private correctional facilities under contract with the department pursuant to chapter 944 or the Department of Management Services Correctional Privatization Commission pursuant to chapter 957. Moneys shall be deposited in the trust fund and expenditures made from the trust fund as provided in s. 945.215.

Section 8. Section 944.8041, Florida Statutes, is amended to read:

944.8041 Elderly offenders; annual review.—For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the Florida Corrections Commission and the Correctional Medical Authority shall each submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems, as well as such information on the River Junction Correctional Institution. In order to adequately prepare the reports, the Department of Corrections and the Department of Management Services Correctional Privatization Commission shall grant access to the Florida Corrections Commission and the Correctional Medical Authority which includes access to the facilities, offenders, and any information the agencies require to complete their reports. The review shall also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. The reports, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

Section 9. Paragraphs (a) and (c) of subsection (2) of section 945.215, Florida Statutes, are amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(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 Department of Management Services Correctional Privatization Commission pursuant to chapter 957.

(c) The Department of Management Services 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 Department of Management Services ~~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.

Section 10. Section 957.01, Florida Statutes, is amended to read:

957.01 Short title.—This chapter may be cited as the “Correctional Privatization ~~Commission Act.~~”

Section 11. Effective July 1, 2005, section 957.02, Florida Statutes, is amended to read:

957.02 Definitions.—As used in this chapter,:

- (1) ~~“Commission” means the Correctional Privatization Commission.~~
- (2) “department” means the Department of Corrections.

Section 12. Effective July 1, 2005, section 957.03, Florida Statutes, is repealed.

Section 13. Section 957.04, Florida Statutes, is amended to read:

957.04 Contract requirements.—

(1) A contract entered into under this chapter for the operation of private correctional facilities shall maximize the cost savings of such facilities and shall:

(a) Be negotiated with the firm found most qualified. However, a contract for private correctional services may not be entered into by the Department of Management Services ~~commission~~ unless the Department of Management Services ~~commission~~ determines that the contractor has demonstrated that it has:

1. The qualifications, experience, and management personnel necessary to carry out the terms of the contract.
2. The ability to expedite the siting, design, and construction of correctional facilities.
3. The ability to comply with applicable laws, court orders, and national correctional standards.

(b) Indemnify the state and the department, including their officials and agents, against any and all liability, including, but not limited to, civil rights liability. Proof of satisfactory insurance is required in an amount to be determined by the Department of Management Services ~~commission, following consultation with the Division of Risk Management of the Department of Financial Services. Not less than 30 days prior to the release of each request for proposals by the commission, the commission shall request the~~

~~written recommendation of the division regarding indemnification of the state and the department under this paragraph. Within 15 days after such request, the division shall provide a written recommendation to the commission regarding the amount and manner of such indemnification. The commission shall adopt the division's recommendation unless, based on substantial competent evidence, the commission determines a different amount and manner of indemnification is sufficient.~~

(c) Require that the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract. Compliance with amendments to the accreditation standards of the association is required upon the approval of such amendments by the commission.

(d) Require that the proposed facilities and the management plans for the inmates meet applicable American Correctional Association standards and the requirements of all applicable court orders and state law.

(e) Establish operations standards for correctional facilities subject to the contract. However, if the department and the contractor disagree with an operations standard, the contractor ~~The commission~~ may propose to waive any rule, policy, or procedure of the department related to the operations standards of correctional facilities which is that are inconsistent with the mission of the contractor commission to establish cost-effective, privately operated correctional facilities. The Florida Corrections Commission shall be responsible for considering all proposals from the contractor to waive any rule, policy, or procedure and shall render a final decision granting or denying such request.

(f) Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the department in comparable facilities. The work and education programs must be designed to reduce recidivism, and include opportunities to participate in such work programs as authorized pursuant to s. 946.523.

(g) Require the selection and appointment of a full-time contract monitor. The contract monitor shall be appointed and supervised by the Department of Management Services ~~commission~~. The contractor is required to reimburse the Department of Management Services ~~commission~~ for the salary and expenses of the contract monitor. It is the obligation of the contractor to provide suitable office space for the contract monitor at the correctional facility. The contract monitor shall have unlimited access to the correctional facility.

(h) Be for a period of 3 years and may be renewed for successive 2-year periods thereafter. However, the state is not obligated for any payments to the contractor beyond current annual appropriations.

(2) Each contract entered into for the design and construction of a private correctional facility or juvenile commitment facility must include:

(a) Notwithstanding any provision of chapter 255 to the contrary, a specific provision authorizing the use of tax-exempt financing through the issuance of tax-exempt bonds, certificates of participation, lease-purchase agreements, or other tax-exempt financing methods. Pursuant to s. 255.25, approval is hereby provided for the lease-purchase of up to two private correctional facilities and any other facility authorized by the General Appropriations Act.

(b) A specific provision requiring the design and construction of the proposed facilities to meet the applicable standards of the American Correctional Association and the requirements of all applicable court orders and state law.

(c) A specific provision requiring the contractor, and not the Department of Management Services ~~commission~~, to obtain the financing required to design and construct the private correctional facility or juvenile commitment facility built under this chapter.

(d) A specific provision stating that the state is not obligated for any payments that exceed the amount of the current annual appropriation.

(3)(a) Each contract for the designing, financing, acquiring, leasing, constructing, and operating of a private correctional facility shall be subject to ss. 255.2502 and 255.2503.

(b) Each contract for the designing, financing, acquiring, leasing, and constructing of a private juvenile commitment facility shall be subject to ss. 255.2502 and 255.2503.

(4) A contract entered into under this chapter does not accord third-party beneficiary status to any inmate or juvenile offender or to any member of the general public.

(5) Each contract entered into by the Department of Management Services ~~commission~~ must include substantial minority participation unless demonstrated by evidence, after a good faith effort, as impractical and must also include any other requirements the Department of Management Services ~~commission~~ considers necessary and appropriate for carrying out the purposes of this chapter.

(6) Notwithstanding s. 253.025(7), the Board of Trustees of the Internal Improvement Trust Fund need not approve a lease-purchase agreement negotiated by the Department of Management Services ~~commission~~ if the Department of Management Services ~~commission~~ finds that there is a need to expedite the lease-purchase.

(7)(a) Notwithstanding s. 253.025 or s. 287.057, whenever the Department of Management Services ~~commission~~ finds it to be in the best interest of timely site acquisition, it may contract without the need for competitive selection with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands of the Department of Environmental Protection in accordance with s. 253.025(6)(b). In those instances when the Department of Management Ser-

~~VICES COMMISSION~~ directly contracts for appraisal services, it shall also contract with an approved appraiser who is not employed by the same appraisal firm for review services.

(b) Notwithstanding s. 253.025(6), the Department of Management Services ~~commission~~ may negotiate and enter into lease-purchase agreements before an appraisal is obtained. Any such agreement must state that the final purchase price cannot exceed the maximum value allowed by law.

~~(8) Notwithstanding s. 957.03(4), the Department of Management Services shall be the successor agency for the Correctional Privatization Commission in all contracts entered into pursuant to this chapter which are in effect on July 1, 2004. Buildings and other improvements to real property which are financed under paragraph (2)(a) and which are leased to the Correctional Privatization Commission are considered to be owned by the Correctional Privatization Commission for the purposes of this section whereby the terms of the lease, the buildings, and other improvements will become the property of the state at the expiration of the lease. For any facility that is bid and built under the authority of requests for proposals made by the Correctional Privatization Commission between December 1993 and October 1994 and that is operated by a private vendor, a payment in lieu of taxes, from funds appropriated for the Correctional Privatization Commission, shall be paid until the expiration of the lease to local taxing authorities in the local government in which the facility is located in an amount equal to the ad valorem taxes assessed by counties, municipalities, school districts, and special districts.~~

Section 14. Subsections (2) and (7) of section 957.06, Florida Statutes, are amended to read:

957.06 Powers and duties not delegable to contractor.—A contract entered into under this chapter does not authorize, allow, or imply a delegation of authority to the contractor to:

(2) Choose the facility to which an inmate is initially assigned or subsequently transferred. The contractor may request, in writing, that an inmate be transferred to a facility operated by the department. The Department of Management Services ~~commission~~, the contractor, and ~~a representative of~~ the department shall develop and implement a cooperative agreement for transferring inmates between a correctional facility operated by the department and a private correctional facility. The department, the Department of Management Services ~~commission~~, and the contractor must comply with the cooperative agreement.

~~(7) Develop and implement requirements that inmates engage in any type of work, except to the extent that those requirements are accepted by the commission.~~

Section 15. Subsection (1) and paragraph (d) of subsection (5) of section 957.07, Florida Statutes, are amended to read:

957.07 Cost-saving requirements.—

(1) The Department of Management Services ~~commission~~ may not enter into a contract or series of contracts unless the department ~~commission~~ determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Such cost savings as determined by the Department of Management Services ~~commission~~ must be based upon the actual costs associated with the construction and operation of similar facilities or services as determined by the Department of Corrections and certified by the Auditor General. The Department of Corrections shall calculate all of the cost components that determine the inmate per diem in correctional facilities of a substantially similar size, type, and location that are operated by the Department of Corrections, including administrative costs associated with central administration. Services that are provided to the Department of Corrections by other governmental agencies at no direct cost to the department shall be assigned an equivalent cost and included in the per diem.

(5)

(d) If a private vendor chooses not to renew the contract at the appropriate level, the Department of Management Services ~~commission~~ shall terminate the contract as provided in s. 957.14.

Section 16. Section 957.08, Florida Statutes, is amended to read:

957.08 Capacity requirements.—The Department of Corrections shall transfer and assign prisoners, ~~at a rate to be determined by the commission,~~ to each private correctional facility opened pursuant to this chapter in an amount not less than 90 percent or more than 100 percent of the capacity of the facility pursuant to the contract with the Department of Management Services ~~commission~~. The prisoners transferred by the Department of Corrections shall represent a cross section of the general inmate population, based on the grade of custody or the offense of conviction, at the most comparable facility operated by the department.

Section 17. Subsection (2) of section 957.13, Florida Statutes, is amended to read:

957.13 Background checks.—

(2) The Florida Department of Law Enforcement may, to the extent provided for by federal law, provide for the exchange of state, multistate, and federal criminal history records of individuals who apply for employment at a private correctional facility ~~with the Correctional Privatization Commission~~ for the purpose of conducting background checks as required by law or contract ~~the commission~~.

Section 18. Section 957.14, Florida Statutes, is amended to read:

957.14 Contract termination and control of a correctional facility by the department.—A detailed plan shall be provided by a private vendor under which the department shall assume temporary control of a private correctional facility upon termination of the contract. The Department of Management Services ~~commission~~ may terminate the contract with cause after

written notice of material deficiencies and after 60 workdays in order to correct the material deficiencies. If any event occurs that involves the non-compliance with or violation of contract terms and that presents a serious threat to the safety, health, or security of the inmates, employees, or the public, the department may temporarily assume control of the private correctional facility, with the approval of the Department of Management Services ~~commission~~. A plan shall also be provided by a private vendor for the purchase and temporary assumption of operations of a correctional facility by the department in the event of bankruptcy or the financial insolvency of the private vendor. The private vendor shall provide an emergency plan to address inmate disturbances, employee work stoppages, strikes, or other serious events in accordance with standards of the American Correctional Association.

Section 19. Section 957.15, Florida Statutes, is amended to read:

957.15 Funding of contracts for operation, maintenance, and lease-purchase of private correctional facilities.—The request for appropriation of funds to make payments pursuant to contracts entered into by the Department of Management Services ~~commission~~ for the operation, maintenance, and lease-purchase of the private correctional facilities authorized by this chapter shall be made by the Department of Management Services ~~commission~~ in a request to the department. The department shall include such request in its budget request to the Legislature as a separately identified item and shall forward the request of the Department of Management Services ~~commission~~ without change. After an appropriation has been made by the Legislature to the department for the private correctional facilities ~~commission~~, the department shall have no authority over such funds other than to pay from such appropriation to the appropriate private vendor such amounts as are certified for payment by the Department of Management Services ~~commission~~.

Section 20. Section 957.16, Florida Statutes, is amended to read:

957.16 Expanding capacity.—The Department of Management Services ~~commission~~ is authorized to modify and execute agreements with contractors to expand up to the total capacity of contracted correctional facilities. Total capacity means the design capacity of all contracted correctional facilities increased by one-half as described under s. 944.023(1)(b). Any additional beds authorized under this section must comply with the cost-saving requirements set forth in s. 957.07. Any additional beds authorized as a result of expanded capacity under this section are contingent upon specified appropriations.

Section 21. Paragraph (h) is added to subsection (1) of section 944.516, Florida Statutes, 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.

(1) The Department of Corrections may:

(h) Charge an administrative processing fee of up to \$6 each month to inmates for banking services. Such fees shall be deposited into the department's Grants and Donations Trust Fund and shall be used to offset the cost of the department's operations. If the inmate account has a zero balance at the end of the billing cycle, a hold will be established to collect the processing fee when available.

Section 22. Except as otherwise provided in this act, this act shall take effect July 1, 2004.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.