

CHAPTER 2020-98

Committee Substitute for Committee Substitute for Senate Bill No. 1118

An act relating to inmate welfare trust funds; amending s. 944.516, F.S.; requiring that certain amounts in inmate trust fund accounts be deposited into the trust fund; amending s. 945.215, F.S.; requiring that specified proceeds and funds be deposited into the State-Operated Institutions Inmate Welfare Trust Fund; providing that the trust fund is a trust held by the Department of Corrections for the benefit and welfare of certain inmates; prohibiting deposits into the trust fund from exceeding a specified amount per fiscal year; requiring that deposits in excess of that amount be deposited into the General Revenue Fund; requiring that funds of the trust fund be used exclusively for specified purposes at correctional facilities operated by the department; requiring that funds from the trust fund be expended only pursuant to legislative appropriation; requiring the department to annually compile a report documenting trust fund receipts and expenditures; requiring the department to submit the report to the Governor and the Legislature by a specified date each year; amending s. 946.002, F.S.; requiring that certain prisoner earnings are deposited into the trust fund; providing an appropriation; providing a contingent effective date.

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.

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

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

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

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

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

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

3. The department receives the contracted telephone commissions.

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

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

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

2. Disciplinary fines imposed against inmates;

3. Forfeitures of inmate earnings; and

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

(2) STATE-OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

(a) The State-Operated Institutions 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.

(b) Deposits into the trust fund may not exceed a total of \$2.5 million in any fiscal year. Any proceeds or funds that would cause deposits into the trust fund to exceed this limit must be deposited into the General Revenue Fund.

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

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

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

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

4. The purchase, rental, maintenance, or repair of electronic or audio-visual equipment, media, services, and programming used by inmates.

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

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

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

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

Section 3. Paragraph (b) of subsection (4) of section 946.002, Florida Statutes, is amended to read:

946.002 Requirement of labor; compensation; amount; crediting of account of prisoner; forfeiture; civil rights; prisoner not employee or entitled to compensation insurance benefits.—

(4)

(b) When any prisoner escapes, the department shall determine what portion of the prisoner’s earnings shall be forfeited, and such forfeiture shall be deposited in the State Treasury in the State-Operated Institutions Inmate Welfare Trust Fund of the department or, as provided in s. 945.215(2)(b), into the General Revenue Fund.

Section 4. For the 2020-2021 fiscal year, the sum of \$2.5 million in recurring funds is appropriated from the State-Operated Institutions Inmate Welfare Trust Fund to the Department of Corrections for the purpose of providing for the welfare of inmates incarcerated in correctional facilities operated directly by the department pursuant to s. 945.215(2), Florida Statutes.

Section 5. This act shall take effect on the same date that SB 1116 or similar legislation takes effect if such legislation is enacted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor June 27, 2020.

Filed in Office Secretary of State June 27, 2020.