

By the Committee on Criminal Justice and Senator Crist

307-2189-98

1 A bill to be entitled
2 An act relating to corrections; amending s.
3 945.485, F.S., relating to subsistence fees
4 with respect to prisoners; requiring a state
5 correctional facility, or the Department of
6 Corrections acting in its behalf, to seek
7 reimbursement for costs of incarceration for a
8 prisoner, including certain medical and dental
9 expenses, which have not been reimbursed as
10 otherwise provided by law; specifying order of
11 sources of reimbursement; providing for
12 deduction of the costs from the prisoner's cash
13 account, placement of a lien against the
14 account or the prisoner's other personal
15 property, or reimbursement from the proceeds of
16 the prisoner's insurance policy, health care
17 corporation proceeds, or other source;
18 providing that the lien may be carried over to
19 future incarceration under certain
20 circumstances; requiring the prisoner to
21 cooperate with such reimbursement efforts;
22 providing for sanctions in case of willful
23 refusal to cooperate, including placement of a
24 lien against the prisoner's cash account or
25 other personal property and ineligibility to
26 receive incentive gain-time; clarifying that
27 the department is responsible for reimbursement
28 efforts at the private correctional facilities;
29 creating a task force within the Department of
30 Corrections to investigate and analyze
31 strategies to use in seeking reimbursement for

1 inmate health care costs incurred during
2 incarceration; providing an effective date.

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

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6 Section 1. Section 944.485, Florida Statutes, is
7 amended to read:

8 944.485 Financial responsibility for costs of
9 incarceration, including medical or dental expenses
10 ~~Subsistence fees with respect to certain prisoners; time of~~
11 ~~adoption; requirements.--~~

12 ~~(1) The Legislature recognizes in recognition of the~~
13 ~~fact~~ that many prisoners in the correctional system have
14 sources of income and assets outside of the correctional
15 system, which may include bank accounts, inheritances, real
16 estate, health insurance policies ~~social security payments,~~
17 ~~veteran's payments,~~ and other types of financial resources.
18 The Legislature further recognizes, ~~and in recognition of the~~
19 ~~fact~~ that the daily subsistence cost of incarcerating
20 prisoners in the correctional system is a great burden on the
21 taxpayers of the state.

22 (1) A state correctional facility, or the Department
23 of Corrections acting in its behalf, which incurs costs of
24 incarceration for a prisoner which have not been reimbursed as
25 otherwise provided for by law, including costs of providing
26 medical or dental care, treatment, hospitalization, or
27 transportation, may seek reimbursement for the costs of
28 incarceration, including such expenses incurred, in the
29 following order:

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1 (a) From an insurance company, health care
2 corporation, or other source if the prisoner is covered by an
3 insurance policy or subscribes to a health care corporation.

4 (b) From the prisoner's cash account on deposit with
5 the state correctional facility. If the prisoner's cash
6 account does not contain sufficient funds to cover the costs
7 of incarceration, including the cost of providing medical or
8 dental care, treatment, hospitalization, or transportation,
9 the state correctional facility or the department may place a
10 lien against the amounts in the prisoner's cash account in
11 excess of \$50, or other personal property, to provide payment
12 in the event sufficient funds become available at a later
13 time. Any time the prisoner's cash account exceeds \$50 with
14 subsequent deposits, the amount in excess may be withheld
15 until the total amount is paid. Any existing lien may be
16 carried over to future incarceration of the same prisoner,
17 except as otherwise provided by law.

18 (c) From other sources available, except where income
19 from such sources is exempt under federal or state laws.

20 (2) A prisoner shall cooperate with the state
21 correctional facility and the department in seeking
22 reimbursement under subsection (1) for expenses incurred by
23 the state correctional facility for the prisoner. A prisoner
24 who willfully refuses to cooperate with the reimbursement
25 efforts of the state correctional facility may have a lien
26 placed against the prisoner's cash account or other personal
27 property and may not receive incentive gain-time as authorized
28 pursuant to s. 944.275(4).

29 (3) Any claim by a state correctional facility or the
30 Department of Corrections made under this section shall be
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1 subordinate to any judgment for restitution or any judgment
2 for child support against the prisoner.

3 (4) For the purposes of this section, the Department
4 of Corrections shall be responsible for seeking reimbursement
5 under this section for prisoners housed in private
6 correctional facilities under contract with the Correctional
7 Privatization Commission pursuant to chapter 957., each
8 prisoner in the state correctional system, except those who
9 have entered into an agreement under s. 947.135 prior to
10 October 1, 1978:

11 ~~(a) Shall disclose all revenue or assets as a~~
12 ~~condition of parole or other release eligibility.~~

13 ~~(b) Shall pay from such income and assets, except~~
14 ~~where such income is exempt by state or federal law, all or a~~
15 ~~fair portion of the prisoner's daily subsistence costs, based~~
16 ~~upon the inmate's ability to pay, the liability or potential~~
17 ~~liability of the inmate to the victim or the guardian or the~~
18 ~~estate of the victim, and the needs of his or her dependents.~~

19 ~~(2)(a) Any prisoner who is directed to pay all or a~~
20 ~~fair portion of daily subsistence costs is entitled to~~
21 ~~reasonable advance notice of the assessment and shall be~~
22 ~~afforded an opportunity to present reasons for opposition to~~
23 ~~the assessment.~~

24 ~~(b) An order directing payment of all or a fair~~
25 ~~portion of a prisoner's daily subsistence costs may survive~~
26 ~~against the estate of the prisoner.~~

27 Section 2. For fiscal year 1998-1999, and within
28 existing resources, there is created a task force within the
29 Department of Corrections to investigate and analyze various
30 strategies for the state to use in seeking reimbursement for
31 inmate health care costs incurred during incarceration. The

1 purpose of the task force is to meet and consult with the
2 Department of Insurance, the Correctional Medical Authority,
3 and the Agency for Health Care Administration to identify the
4 extent to which inmates incarcerated in the state prison
5 system have available assets or health care coverage from
6 commercial insurance policies. The task force shall submit
7 its collaborative findings and recommendations to the
8 President of the Senate and the Speaker of the House of
9 Representatives by January 1, 1999.

10 Section 3. This act shall take effect October 1, 1998.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 1216

- 15 . Amends chapter 944, which previously authorized the
16 Department of Corrections to collect subsistence fees
from prisoners.
- 17 . Augments current statutory language by presenting an
18 order of recovery for the costs of medical care, dental
care, and other costs associated with incarceration.
- 19 . Places insurance as the first source of recovery before
20 the inmate's cash account.
- 21 . Provides that the state's claim against an inmate for
22 cost of incarceration is insubordinate to any judgment
for restitution or any judgment for child support against
an inmate.
- 23 . Clarifies that the Department of Corrections is
24 responsible for seeking reimbursement costs for all
inmates in the state system, including those housed in
25 private correctional facilities under contract with the
Correctional Privatization Commission.
- 26 . Creates a task force within the department to investigate
27 strategies to use in seeking prisoner reimbursement
specifically for health care costs.
- 28 . Requires the task force to consult with the Department of
29 Insurance, Correctional Medical Authority, and the Agency
for Health Care Administration and submit its findings
30 and recommendations to the Senate President and House
Speaker by January 1, 1999.