

Amendment No. 1a (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Corrections offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

944.485 ~~Subsistence fees with respect to certain prisoners; time of adoption; requirements.~~ Financial responsibility for costs of incarceration, including medical or dental expenses.--The Legislature recognizes ~~in recognition of the fact~~ that many prisoners in the correctional system have sources of income and assets outside of the correctional system, which may include bank accounts, inheritances, real estate, ~~social security payments, veteran's payments,~~ health insurance policies, and other types of financial resources. ~~The Legislature further recognizes and in recognition of the fact~~ that the daily subsistence cost of incarcerating prisoners in the correctional system is a great burden on the taxpayers of the state. ~~each prisoner in the state~~

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1 ~~correctional system, except those who have entered into an~~
2 ~~agreement under s. 947.135 prior to October 1, 1978:~~
3 ~~(a) Shall disclose all revenue or assets as a~~
4 ~~condition of parole or other release eligibility.~~
5 ~~(b) Shall pay from such income and assets, except~~
6 ~~where such income is exempt by state or federal law, all or a~~
7 ~~fair portion of the prisoner's daily subsistence costs, based~~
8 ~~upon the inmate's ability to pay, the liability or potential~~
9 ~~liability of the inmate to the victim or the guardian or the~~
10 ~~estate of the victim, and the needs of his or her dependents.~~
11 ~~(2)~~
12 ~~(a) Any prisoner who is directed to pay all or a fair~~
13 ~~portion of daily subsistence costs is entitled to reasonable~~
14 ~~advance notice of the assessment and shall be afforded an~~
15 ~~opportunity to present reasons for opposition to the~~
16 ~~assessment.~~
17 ~~(b) An order directing payment of all or a fair~~
18 ~~portion of a prisoner's daily subsistence costs may survive~~
19 ~~against the estate of the prisoner.~~
20 (1) A state correctional facility, or the Department
21 of Corrections acting in its behalf, which incurs costs of
22 incarceration for a prisoner which have not been reimbursed as
23 otherwise provided for by law, including costs of providing
24 medical or dental care, treatment, hospitalization, or
25 transportation, may seek reimbursement for the costs of
26 incarceration, including such expenses incurred, in the
27 following order:
28 (a) From an insurance company, health care
29 corporation, or other source if the prisoner is covered by an
30 insurance policy or subscribes to a health care corporation.
31 (b) From the prisoner's cash account on deposit with

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

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

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

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

29 (4) For the purposes of this section, the Department of
30 Corrections shall be responsible for seeking reimbursement
31 under provisions of this section for prisoners housed in

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1 private correctional facilities under contract with the
2 Correctional Privatization Commission pursuant to Chapter 957.
3 Section 2. For fiscal year 1998-99 and within existing
4 resources, there is hereby created a task force within the
5 Department of Corrections to investigate and analyze various
6 strategies for the state to seek reimbursement for inmate
7 health care costs incurred during incarceration. The purpose
8 of the task force is to meet and consult with the Department
9 of Insurance, the Correctional Medical Authority and the
10 Agency for Health Care Administration to identify the extent
11 to which inmates incarcerated in the state prison system have
12 available assets or who have health care coverage from
13 commercial insurance policies. The task force shall submit
14 its collaborative findings and recommendations to the
15 President of the Senate and the Speaker of the House of
16 Representatives by January 1, 1999.

17 Section 3. This act shall take effect October 1 of the
18 year in which enacted.

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22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page ,
25 remove from the title of the bill:

26

27 and insert in lieu thereof:

28 An act relating to corrections; amending s.
29 945.485, F.S., relating to subsistence fees
30 with respect to prisoners; requiring a state
31 correctional facility, or the Department of

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