

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 seek reimbursement for inmate

1 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 ~~Subsistence fees with respect to certain~~
9 ~~prisoners; time of adoption; requirements.~~ Financial
10 responsibility for costs of incarceration, including medical
11 or dental expenses. -- The Legislature recognizes in recognition
12 ~~of the fact~~ that many prisoners in the correctional system
13 have sources of income and assets outside of the correctional
14 system, which may include bank accounts, inheritances, real
15 estate, ~~social security payments, veteran's payments,~~ health
16 insurance policies, and other types of financial resources. 7
17 The Legislature further recognizes ~~and in recognition of the~~
18 ~~fact~~ that the daily subsistence cost of incarcerating
19 prisoners in the correctional system is a great burden on the
20 taxpayers of the state. 7 ~~each prisoner in the state~~
21 ~~correctional system, except those who have entered into an~~
22 ~~agreement under s. 947.135 prior to October 1, 1978:~~

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

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

31 (2)

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

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

9 (1) A state correctional facility, or the Department
10 of Corrections acting in its behalf, which incurs costs of
11 incarceration for a prisoner which have not been reimbursed as
12 otherwise provided for by law, including costs of providing
13 medical or dental care, treatment, hospitalization, or
14 transportation, may seek reimbursement for the costs of
15 incarceration, including such expenses incurred, in the
16 following order:

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

20 (b) From the prisoner's cash account on deposit with
21 the state correctional facility. If the prisoner's cash
22 account does not contain sufficient funds to cover the costs
23 of incarceration, including cost of providing medical or
24 dental care, treatment, hospitalization, or transportation,
25 the state correctional facility or the department may place a
26 lien against the amounts in the prisoner's cash account in
27 excess of \$50, or other personal property, to provide payment
28 in the event sufficient funds become available at a later
29 time. Any time the prisoner's cash account exceeds \$50 with
30 subsequent deposits, the amount in excess may be withheld
31 until the total amount is paid. Any existing lien may be

1 carried over to future incarceration of the same prisoner,
2 except as otherwise provided by law.

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

5 (2) A prisoner shall cooperate with the state
6 correctional facility and the department in seeking
7 reimbursement under paragraphs(1)(a),(b) and (c) for expenses
8 incurred by the state correctional facility for the prisoner.

9 A prisoner who willfully refuses to cooperate with the
10 reimbursement efforts of the state correctional facility may
11 have a lien placed against the prisoner's cash account or
12 other personal property and may not receive incentive
13 gain-time as authorized pursuant to s. 944.275 (4).

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

18 (4) For the purposes of this section, the Department of
19 Corrections shall be responsible for seeking reimbursement
20 under provisions of this section for prisoners housed in
21 private correctional facilities under contract with the
22 Correctional Privatization Commission pursuant to Chapter 957.

23 Section 2. For fiscal year 1998-99 and within existing
24 resources, there is hereby created a task force within the
25 Department of Corrections to investigate and analyze various
26 strategies for the state to seek reimbursement for inmate
27 health care costs incurred during incarceration. The purpose
28 of the task force is to meet and consult with the Department
29 of Insurance, the Correctional Medical Authority and the
30 Agency for Health Care Administration to identify the extent
31 to which inmates incarcerated in the state prison system have

1 available assets or who have health care coverage from
2 commercial insurance policies. The task force shall submit
3 its collaborative findings and recommendations to the
4 President of the Senate and the Speaker of the House of
5 Representatives by January 1, 1999.

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

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