

By the Committee on Criminal Justice; and Senator Haridopolos

591-1965-06

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A bill to be entitled
An act relating to inmate litigation costs;
creating s. 945.6038, F.S.; requiring the
Department of Corrections to charge inmates for
specified costs relating to inmate litigation;
authorizing liens on inmate trust funds;
requiring rulemaking; providing for application
of the act; providing an effective date.

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

Section 1. Section 945.6038, Florida Statutes, is
created to read:

945.6038 Inmate litigation costs.--

(1) The department shall charge an inmate for the
following and place a lien on the inmate's trust fund account
if the inmate has insufficient funds at the time the charges
are imposed:

(a) Costs of duplication of documents and accompanying
evidentiary materials needed to initiate proceedings in
judicial or administrative forums or that must be filed or
served in a pending proceeding. The following costs are
authorized:

1. Up to 15 cents per one-sided copy for duplicated
copies of not more than 14 inches by 8 1/2 inches; or

2. For all other copies, the actual cost of
duplication.

(b) Postage and any special delivery charges, if
required by law or rule, for mail to courts, attorneys,
parties, and other persons required to be served.

1 (2) The department shall adopt rules pursuant to ss.
2 120.536(1) and 120.54 to administer this section.

3 (3) This section does not create any legal rights or
4 obligations that do not otherwise exist. This section does not
5 limit or preclude the department from charging for duplication
6 of its records as allowed under chapter 119, and does not
7 create a right to substitute a lien in lieu of payment for
8 public records.

9 Section 2. This act shall take effect July 1, 2006.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1622

14 Mandates that the Department of Corrections "shall" charge
15 inmates for postage and copying and place a lien on the
16 inmate's trust funds if the inmate lacks sufficient funds to
17 cover these costs.

18 Specifies that the department is authorized to charge:

- 19 - Up to 15 cents per page for one-sided copying of
20 documents no larger than 8 1/2 x 14 inches;
- 21 - For the actual cost for all other copies; and
- 22 - For postage and special delivery charges, if required by
23 law or rule, for mail to courts, attorneys, parties, and
24 others who are required to be served in the suit.

25 Mandates that the department "shall" adopt rules to administer
26 this law.
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