

By the Committees on Justice Appropriations; Criminal Justice; and Senator Haridopolos

604-2390-06

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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 civil
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 civil proceedings in
judicial or administrative forums or that must be filed or
served in a pending civil 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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 1622

Authorizes the Department of Corrections to charge inmates for
the costs of duplication of documents in civil proceedings.