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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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02/23/2022 05:20 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Before line 40

insert:

Section 1. Section 951.033, Florida Statutes, is amended to read:

951.033 Income and assets; payment of subsistence costs; subsistence cost refund.—

(1) The Legislature finds that there is an urgent need to alleviate the increasing financial burdens on local subdivisions of the state caused by the expenses of incarcerating prisoners.



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12 In addition to a prisoner's cash account on deposit in local
13 detention facilities, many prisoners have sources of income and
14 assets outside of the facility, which may include bank accounts,
15 inheritances, real estate, social security payments, veteran's
16 payments, and other types of financial resources.

17 (2) The local detention facility shall determine the
18 financial status of prisoners for the purpose of paying from
19 their income and assets all or a fair portion of their daily
20 subsistence costs. In determining the financial status of
21 prisoners, any income exempt by state or federal law shall be
22 excluded. Consideration shall be given to the prisoner's ability
23 to pay, the liability or potential liability of the prisoner to
24 the victim or guardian or the estate of the victim, and his or
25 her dependents.

26 (3) The chief correctional officer of a local subdivision
27 may direct a prisoner to pay for all or a fair portion of daily
28 subsistence costs. A prisoner is entitled to reasonable advance
29 notice of the assessment and shall be afforded an opportunity to
30 present reasons for opposition to the assessment.

31 (4) An order from the chief correctional officer directing
32 payment of all or a fair portion of a prisoner's daily
33 subsistence costs may survive against the estate of the
34 sentenced prisoner.

35 (5) The chief correctional officer may seek payment for the
36 prisoner's subsistence costs from:

37 (a) The prisoner's cash account on deposit at the facility;
38 or

39 (b) A civil restitution lien on the prisoner's cash account
40 on deposit at the facility or on other personal property.



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41 (6) If the prisoner's cash account at the local detention
42 facility does not contain sufficient funds to cover subsistence
43 costs, the chief correctional officer may place a civil
44 restitution lien against the prisoner's cash account or other
45 personal property. A civil restitution lien may continue for a
46 period of 3 years and applies to the cash account of any
47 prisoner who is reincarcerated within the county in which the
48 civil restitution lien was originated.

49 (7) If a county or municipal detention facility charges a
50 prisoner for all or a portion of his or her daily subsistence
51 costs under this section, the detention facility must refund
52 such prisoner the total subsistence costs assessed if the
53 charges against him or her are disposed of by dismissal, nolle
54 prosequi, or acquittal.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete line 3

59 and insert:

60 facilities; amending s. 951.033, F.S.; requiring a
61 county or municipal detention facility to refund a
62 prisoner the total subsistence costs assessed, under
63 certain circumstances; amending s. 951.23, F.S.;

64 revising the