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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/CR	.	Floor: AD
05/05/2023 09:34 AM	.	05/05/2023 10:43 AM
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The Conference Committee on SB 7018 recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (1) and paragraphs (b) and (c) of
7 subsection (2) of section 945.215, Florida Statutes, are amended
8 to read:

9 945.215 Inmate welfare and employee benefit trust funds.—

10 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

11 (a) The net proceeds from operating inmate canteens,



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12 vending machines used primarily by inmates and visitors, hobby
13 shops, and other such facilities must be deposited into the
14 State-Operated Institutions Inmate Welfare Trust Fund or, as
15 provided in paragraph (2) (b), into the General Revenue Fund;
16 however, funds necessary to purchase items for resale at inmate
17 canteens and vending machines must be deposited into local bank
18 accounts designated by the department.

19 (b) All proceeds from contracted telephone commissions must
20 be deposited into the State-Operated Institutions Inmate Welfare
21 Trust Fund or, as provided in paragraph (2) (b), into the General
22 Revenue Fund. The department shall develop and update, as
23 necessary, administrative procedures to verify that:

24 1. Contracted telephone companies accurately record and
25 report all telephone calls made by inmates incarcerated in
26 correctional facilities under the department's jurisdiction;

27 2. Persons who accept collect calls from inmates are
28 charged the contracted rate; and

29 3. The department receives the contracted telephone
30 commissions.

31 (c) Any funds that may be assigned by inmates or donated to
32 the department by the general public or an inmate service
33 organization must be deposited into the State-Operated
34 Institutions Inmate Welfare Trust Fund or, as provided in
35 paragraph (2) (b), into the General Revenue Fund; however, the
36 department may ~~shall~~ not accept any donation from, or on behalf
37 of, any individual inmate.

38 (d) All proceeds from the following sources must be
39 deposited into the State-Operated Institutions Inmate Welfare
40 Trust Fund or, as provided in paragraph (2) (b), into the General



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41 Revenue Fund:

42 1. The confiscation and liquidation of any contraband found
43 upon, or in the possession of, any inmate;

44 2. Disciplinary fines imposed against inmates;

45 3. Forfeitures of inmate earnings; ~~and~~

46 4. Unexpended balances in individual inmate trust fund
47 accounts of less than \$1;

48 5. Copayments made by inmates for nonemergency visits to a
49 health care provider pursuant to s. 945.6037;

50 6. Any proceeds obtained through the collection of damages
51 pursuant to s. 960.293(2); and

52 7. Cost of incarceration liens pursuant to s. 960.292(2).

53 (e) Items for resale at inmate canteens and vending
54 machines maintained at the correctional facilities shall be
55 priced comparatively with like items for retail sale at fair
56 market prices.

57 (f) Notwithstanding any other provision of law, inmates
58 with sufficient balances in their individual inmate bank trust
59 fund accounts, after all debts against the account are
60 satisfied, shall be allowed to request a weekly draw of up to an
61 amount set by the Secretary of Corrections, ~~not to exceed \$100,~~
62 to be expended for personal use on canteen and vending machine
63 items.

64 (2) STATE-OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

65 (b) Deposits into the trust fund may not exceed a total of
66 \$32 ~~\$2.5~~ million in any fiscal year. Any proceeds or funds that
67 would cause deposits into the trust fund to exceed this limit
68 must be deposited into the General Revenue Fund.

69 (c) Funds in the trust fund shall be used exclusively to



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70 provide for or operate any of the following at correctional
71 facilities operated by the department:

72 1. Literacy programs, vocational training programs, and
73 educational programs, including fixed capital outlay for
74 educational facilities.

75 2. Inmate chapels, faith-based programs, visiting
76 pavilions, visiting services and programs, family services and
77 programs, and libraries.

78 3. Inmate substance abuse treatment programs and transition
79 and life skills training programs.

80 4. The purchase, rental, maintenance, or repair of
81 electronic or audiovisual equipment, media, services, and
82 programming used by inmates.

83 5. The purchase, rental, maintenance, or repair of
84 recreation and wellness equipment.

85 6. The purchase, rental, maintenance, or repair of bicycles
86 used by inmates traveling to and from employment in the work-
87 release program authorized under s. 945.091(1)(b).

88 7. Environmental health upgrades to facilities, including
89 fixed capital outlay for repairs and maintenance that would
90 improve environmental conditions of the correctional facilities.

91 Section 2. Subsection (1) of section 945.6037, Florida
92 Statutes, is amended to read:

93 945.6037 Nonemergency health care; inmate copayments.—

94 (1)(a) For each nonemergency visit by an inmate to a health
95 care provider which is initiated by the inmate, the inmate must
96 make a copayment of \$5. A copayment may not be charged for the
97 required initial medical history and physical examination of the
98 inmate.



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99 (b) The copayment for an inmate's health care must be
100 deducted from any existing balance in the inmate's bank account.
101 If the account balance is insufficient to cover the copayment,
102 50 percent of each deposit to the account must be withheld until
103 the total amount owed has been paid.

104 (c) The proceeds of each copayment must be deposited into
105 the State-Operated Institutions Inmate Welfare Trust Fund
106 pursuant to s. 945.215(1)(d) or into ~~in~~ the General Revenue Fund
107 as provided in s. 945.215(2)(b).

108 (d) The department may waive all or part of the copayment
109 for an inmate's visit to a health care provider if the health
110 care:

111 1. Is provided in connection with an extraordinary event
112 that could not reasonably be foreseen, such as a disturbance or
113 a natural disaster;

114 2. Is an institutionwide health care measure that is
115 necessary to address the spread of specific infectious or
116 contagious diseases;

117 3. Is provided under a contractual obligation that is
118 established under the Interstate Corrections Compact or under an
119 agreement with another jurisdiction which precludes assessing
120 such a copayment;

121 4. Was initiated by the health care provider or consists of
122 routine follow-up ~~followup~~ care;

123 5. Is initiated by the inmate to voluntarily request an HIV
124 test;

125 6. Produces an outcome that requires medical action to
126 protect staff or inmates from a communicable disease; or

127 7. When the inmate is referred to mental health evaluation



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128 or treatment by a correctional officer, correctional probation
129 officer, or other person supervising an inmate worker.

130 Section 3. For the purpose of incorporating the amendment
131 made by this act to section 945.215, Florida Statutes, in a
132 reference thereto, subsection (5) of section 944.516, Florida
133 Statutes, is reenacted to read:

134 944.516 Money or other property received for personal use
135 or benefit of inmate; deposit; disposition of unclaimed trust
136 funds.—The Department of Corrections shall protect the financial
137 interest of the state with respect to claims which the state may
138 have against inmates in state institutions under its supervision
139 and control and shall administer money and other property
140 received for the personal benefit of such inmates. In carrying
141 out the provisions of this section, the department may delegate
142 any of its enumerated powers and duties affecting inmates of an
143 institution to the warden or regional director who shall
144 personally, or through designated employees of his or her
145 personal staff under his or her direct supervision, exercise
146 such powers or perform such duties.

147 (5) When an inmate is transferred between department
148 facilities, is released from the custody of the department,
149 dies, or escapes during incarceration, and the inmate has an
150 unexpended inmate trust fund account balance of less than \$1,
151 that balance shall be transferred to the State-Operated
152 Institutions Inmate Welfare Trust Fund or, as provided in s.
153 945.215(2)(b), into the General Revenue Fund.

154 Section 4. For the purpose of incorporating the amendment
155 made by this act to section 945.215, Florida Statutes, in a
156 reference thereto, subsection (2) of section 944.73, Florida



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157 Statutes, is reenacted to read:

158 944.73 State-Operated Institutions Inmate Welfare Trust
159 Fund.—

160 (2) Moneys shall be deposited and the expenditures made
161 from the trust fund as provided in s. 945.215.

162 Section 5. For the purpose of incorporating the amendment
163 made by this act to section 945.215, Florida Statutes, in a
164 reference thereto, paragraph (b) of subsection (4) of section
165 946.002, Florida Statutes, is reenacted to read:

166 946.002 Requirement of labor; compensation; amount;
167 crediting of account of prisoner; forfeiture; civil rights;
168 prisoner not employee or entitled to compensation insurance
169 benefits.—

170 (4)

171 (b) When any prisoner escapes, the department shall
172 determine what portion of the prisoner's earnings shall be
173 forfeited, and such forfeiture shall be deposited in the State
174 Treasury in the State-Operated Institutions Inmate Welfare Trust
175 Fund of the department or, as provided in s. 945.215(2)(b), into
176 the General Revenue Fund.

177 Section 6. This act shall take effect July 1, 2023.

178

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

180 And the title is amended as follows:

181 Delete everything before the enacting clause
182 and insert:

183 A bill to be entitled

184 An act relating to the inmate welfare trust fund;

185 amending s. 945.215, F.S.; adding additional funding



186 sources from which all proceeds must be deposited into
187 the State-Operated Institutions Inmate Welfare Trust
188 Fund or the General Revenue Fund; deleting a
189 limitation on the maximum amount that inmates are
190 allowed to request in a weekly withdrawal from their
191 individual inmate bank trust fund accounts; increasing
192 the maximum amount of funds which the State-Operated
193 Institutions Inmate Welfare Trust Fund may not exceed
194 in any fiscal year; adding to the purposes for which
195 the trust fund must be used at correctional facilities
196 to include fixed capital outlays for educational
197 facilities and environmental health upgrades to
198 facilities; amending s. 945.6037, F.S.; requiring that
199 the proceeds from nonemergency health care visit
200 copayments be deposited into the State-Operated
201 Institutions Inmate Welfare Trust Fund or into the
202 General Revenue Fund; reenacting ss. 944.516(5),
203 944.73(2), and 946.002(4)(b), F.S., relating to the
204 disposition of unexpended trust funds, the State-
205 Operated Institutions Inmate Welfare Trust Fund, and
206 forfeiture of a prisoner's earned funds, respectively,
207 to incorporate the amendment made to s. 945.215, F.S.,
208 in references thereto; providing an effective date.