

By the Committee on Criminal Justice

591-02507-23

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1 A bill to be entitled
2 An act relating to the inmate welfare trust fund;
3 amending s. 945.215, F.S.; adding additional funding
4 sources from which all proceeds must be deposited into
5 the State-Operated Institutions Inmate Welfare Trust
6 Fund or the General Revenue Fund; increasing the
7 maximum amount of funds which the State-Operated
8 Institutions Inmate Welfare Trust Fund may not exceed
9 in any fiscal year; adding to the purposes for which
10 the trust fund must be used at correctional facilities
11 to include fixed capital outlays for educational
12 facilities; amending s. 945.6037, F.S.; requiring that
13 the proceeds from nonemergency health care visit
14 copayments be deposited into the State-Operated
15 Institutions Inmate Welfare Trust Fund or into the
16 General Revenue Fund; reenacting ss. 944.516(5),
17 944.73(2), and 946.002(4)(b), F.S., relating to the
18 disposition of unexpended trust funds, the State-
19 Operated Institutions Inmate Welfare Trust Fund, and
20 forfeiture of a prisoner's earned funds, respectively,
21 to incorporate the amendment made to s. 945.215, F.S.,
22 in references thereto; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (1) and paragraphs (b) and (c) of
27 subsection (2) of section 945.215, Florida Statutes, are amended
28 to read:

29 945.215 Inmate welfare and employee benefit trust funds.—

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(1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

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

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

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

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

3. The department receives the contracted telephone commissions.

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

(d) All proceeds from the following sources must be

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59 deposited into the State-Operated Institutions Inmate Welfare
60 Trust Fund or, as provided in paragraph (2)(b), into the General
61 Revenue Fund:

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

64 2. Disciplinary fines imposed against inmates;

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

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

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

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

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

73 (e) Items for resale at inmate canteens and vending
74 machines maintained at the correctional facilities shall be
75 priced comparatively with like items for retail sale at fair
76 market prices.

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

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

85 (b) Deposits into the trust fund may not exceed a total of
86 \$32 ~~\$2.5~~ million in any fiscal year. Any proceeds or funds that
87 would cause deposits into the trust fund to exceed this limit

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88 must be deposited into the General Revenue Fund.

89 (c) Funds in the trust fund shall be used exclusively to
90 provide for or operate any of the following at correctional
91 facilities operated by the department:

92 1. Literacy programs, vocational training programs, and
93 educational programs, which includes fixed capital outlays for
94 educational facilities.

95 2. Inmate chapels, faith-based programs, visiting
96 pavilions, visiting services and programs, family services and
97 programs, and libraries.

98 3. Inmate substance abuse treatment programs and transition
99 and life skills training programs.

100 4. The purchase, rental, maintenance, or repair of
101 electronic or audiovisual equipment, media, services, and
102 programming used by inmates.

103 5. The purchase, rental, maintenance, or repair of
104 recreation and wellness equipment.

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

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

110 945.6037 Nonemergency health care; inmate copayments.—

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

116 (b) The copayment for an inmate's health care must be

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117 deducted from any existing balance in the inmate's bank account.
118 If the account balance is insufficient to cover the copayment,
119 50 percent of each deposit to the account must be withheld until
120 the total amount owed has been paid.

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

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

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

131 2. Is an institutionwide health care measure that is
132 necessary to address the spread of specific infectious or
133 contagious diseases;

134 3. Is provided under a contractual obligation that is
135 established under the Interstate Corrections Compact or under an
136 agreement with another jurisdiction which precludes assessing
137 such a copayment;

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

140 5. Is initiated by the inmate to voluntarily request an HIV
141 test;

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

144 7. When the inmate is referred to mental health evaluation
145 or treatment by a correctional officer, correctional probation

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146 officer, or other person supervising an inmate worker.

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

151 944.516 Money or other property received for personal use
152 or benefit of inmate; deposit; disposition of unclaimed trust
153 funds.—The Department of Corrections shall protect the financial
154 interest of the state with respect to claims which the state may
155 have against inmates in state institutions under its supervision
156 and control and shall administer money and other property
157 received for the personal benefit of such inmates. In carrying
158 out the provisions of this section, the department may delegate
159 any of its enumerated powers and duties affecting inmates of an
160 institution to the warden or regional director who shall
161 personally, or through designated employees of his or her
162 personal staff under his or her direct supervision, exercise
163 such powers or perform such duties.

164 (5) When an inmate is transferred between department
165 facilities, is released from the custody of the department,
166 dies, or escapes during incarceration, and the inmate has an
167 unexpended inmate trust fund account balance of less than \$1,
168 that balance shall be transferred to the State-Operated
169 Institutions Inmate Welfare Trust Fund or, as provided in s.
170 945.215(2)(b), into the General Revenue Fund.

171 Section 4. For the purpose of incorporating the amendment
172 made by this act to section 945.215, Florida Statutes, in a
173 reference thereto, subsection (2) of section 944.73, Florida
174 Statutes, is reenacted to read:

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175 944.73 State-Operated Institutions Inmate Welfare Trust
176 Fund.—

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

179 Section 5. For the purpose of incorporating the amendment
180 made by this act to section 945.215, Florida Statutes, in a
181 reference thereto, paragraph (b) of subsection (4) of section
182 946.002, Florida Statutes, is reenacted to read:

183 946.002 Requirement of labor; compensation; amount;
184 crediting of account of prisoner; forfeiture; civil rights;
185 prisoner not employee or entitled to compensation insurance
186 benefits.—

187 (4)

188 (b) When any prisoner escapes, the department shall
189 determine what portion of the prisoner's earnings shall be
190 forfeited, and such forfeiture shall be deposited in the State
191 Treasury in the State-Operated Institutions Inmate Welfare Trust
192 Fund of the department or, as provided in s. 945.215(2)(b), into
193 the General Revenue Fund.

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