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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; deleting a
7 limitation on the maximum amount that inmates are
8 allowed to request in a weekly withdrawal from their
9 individual inmate bank trust fund accounts; increasing
10 the maximum amount of funds which the State-Operated
11 Institutions Inmate Welfare Trust Fund may not exceed
12 in any fiscal year; adding to the purposes for which
13 the trust fund must be used at correctional facilities
14 to include fixed capital outlays for educational
15 facilities and environmental health upgrades to
16 facilities; amending s. 945.6037, F.S.; requiring that
17 the proceeds from nonemergency health care visit
18 copayments be deposited into the State-Operated
19 Institutions Inmate Welfare Trust Fund or into the
20 General Revenue Fund; reenacting ss. 944.516(5),
21 944.73(2), and 946.002(4)(b), F.S., relating to the
22 disposition of unexpended trust funds, the State-
23 Operated Institutions Inmate Welfare Trust Fund, and
24 forfeiture of a prisoner's earned funds, respectively,
25 to incorporate the amendment made to s. 945.215, F.S.,
26 in references thereto; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (1) and paragraphs (b) and (c) of
31 subsection (2) of section 945.215, Florida Statutes, are amended
32 to read:

33 945.215 Inmate welfare and employee benefit trust funds.—

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

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

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

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

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

53 3. The department receives the contracted telephone
54 commissions.

55 (c) Any funds that may be assigned by inmates or donated to
56 the department by the general public or an inmate service
57 organization must be deposited into the State-Operated
58 Institutions Inmate Welfare Trust Fund or, as provided in

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59 paragraph (2)(b), into the General Revenue Fund; however, the
60 department may ~~shall~~ not accept any donation from, or on behalf
61 of, any individual inmate.

62 (d) All proceeds from the following sources must be
63 deposited into the State-Operated Institutions Inmate Welfare
64 Trust Fund or, as provided in paragraph (2)(b), into the General
65 Revenue Fund:

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

68 2. Disciplinary fines imposed against inmates;

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

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

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

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

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

77 (e) Items for resale at inmate canteens and vending
78 machines maintained at the correctional facilities shall be
79 priced comparatively with like items for retail sale at fair
80 market prices.

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

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

89 (b) Deposits into the trust fund may not exceed a total of
90 \$32 ~~\$2.5~~ million in any fiscal year. Any proceeds or funds that
91 would cause deposits into the trust fund to exceed this limit
92 must be deposited into the General Revenue Fund.

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

96 1. Literacy programs, vocational training programs, and
97 educational programs, including fixed capital outlay for
98 educational facilities.

99 2. Inmate chapels, faith-based programs, visiting
100 pavilions, visiting services and programs, family services and
101 programs, and libraries.

102 3. Inmate substance abuse treatment programs and transition
103 and life skills training programs.

104 4. The purchase, rental, maintenance, or repair of
105 electronic or audiovisual equipment, media, services, and
106 programming used by inmates.

107 5. The purchase, rental, maintenance, or repair of
108 recreation and wellness equipment.

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

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

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

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117 945.6037 Nonemergency health care; inmate copayments.—

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

123 (b) The copayment for an inmate's health care must be
124 deducted from any existing balance in the inmate's bank account.
125 If the account balance is insufficient to cover the copayment,
126 50 percent of each deposit to the account must be withheld until
127 the total amount owed has been paid.

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

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

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

138 2. Is an institutionwide health care measure that is
139 necessary to address the spread of specific infectious or
140 contagious diseases;

141 3. Is provided under a contractual obligation that is
142 established under the Interstate Corrections Compact or under an
143 agreement with another jurisdiction which precludes assessing
144 such a copayment;

145 4. Was initiated by the health care provider or consists of

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146 routine follow-up ~~followup~~ care;

147 5. Is initiated by the inmate to voluntarily request an HIV
148 test;

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

151 7. When the inmate is referred to mental health evaluation
152 or treatment by a correctional officer, correctional probation
153 officer, or other person supervising an inmate worker.

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

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

171 (5) When an inmate is transferred between department
172 facilities, is released from the custody of the department,
173 dies, or escapes during incarceration, and the inmate has an
174 unexpended inmate trust fund account balance of less than \$1,

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175 that balance shall be transferred to the State-Operated
176 Institutions Inmate Welfare Trust Fund or, as provided in s.
177 945.215(2) (b), into the General Revenue Fund.

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

182 944.73 State-Operated Institutions Inmate Welfare Trust
183 Fund.—

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

186 Section 5. For the purpose of incorporating the amendment
187 made by this act to section 945.215, Florida Statutes, in a
188 reference thereto, paragraph (b) of subsection (4) of section
189 946.002, Florida Statutes, is reenacted to read:

190 946.002 Requirement of labor; compensation; amount;
191 crediting of account of prisoner; forfeiture; civil rights;
192 prisoner not employee or entitled to compensation insurance
193 benefits.—

194 (4)

195 (b) When any prisoner escapes, the department shall
196 determine what portion of the prisoner's earnings shall be
197 forfeited, and such forfeiture shall be deposited in the State
198 Treasury in the State-Operated Institutions Inmate Welfare Trust
199 Fund of the department or, as provided in s. 945.215(2) (b), into
200 the General Revenue Fund.

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