

**By** the Appropriations Committee on Criminal and Civil Justice;  
and Senator Yarborough

604-02835-26

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1                   A bill to be entitled  
2       An act relating to inmate services; amending s.  
3       945.215, F.S.; requiring that maintenance and repair  
4       deduction fees from contractor-operated correctional  
5       facilities be deposited in the Contractor-Operated  
6       Institutions Inmate Welfare Trust Fund; requiring that  
7       funds from the Contractor-Operated Institutions Inmate  
8       Welfare Trust Fund be used for specified purposes;  
9       amending s. 945.6041, F.S.; providing legislative  
10      findings; providing and revising definitions; revising  
11      compensation for the provision of inmate medical  
12      services by certain providers; providing an exemption;  
13      prohibiting compensation to a hospital for the  
14      provision of emergency medical services and care  
15      provided to inmates from exceeding a certain  
16      percentage of the Medicare allowable rate; revising  
17      compensation for the provision of inmate emergency  
18      medical transportation services; reenacting s.  
19      944.72(1), F.S., relating to the Contractor-Operated  
20      Institutions Inmate Welfare Trust Fund, to incorporate  
21      the amendment made to s. 945.215, F.S., in a reference  
22      thereto; providing effective dates.

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

25  
26       Section 1. Paragraph (b) of subsection (3) of section  
27       945.215, Florida Statutes, is amended to read:

28       945.215 Inmate welfare and employee benefit trust funds.—  
29       (3) CONTRACTOR-OPERATED INSTITUTIONS INMATE WELFARE TRUST

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30 FUND; CONTRACTOR-OPERATED CORRECTIONAL FACILITIES.—

31 (b)1. The net proceeds derived from inmate canteens,  
32 vending machines used primarily by inmates, telephone  
33 commissions, and similar sources at contractor-operated  
34 correctional facilities shall be deposited in the Contractor-  
35 Operated Institutions Inmate Welfare Trust Fund.

36 2. Maintenance and repair deduction fees from contractor-  
37 operated correctional facilities shall be deposited in the  
38 Contractor-Operated Institutions Inmate Welfare Trust Fund.

39 3. Funds in the Contractor-Operated Institutions Inmate  
40 Welfare Trust Fund shall be used exclusively to provide for or  
41 to operate any of the following at contractor-operated  
42 correctional facilities:

43 a. Programs to aid inmates' reintegration into society.

44 b. Environmental health upgrades to facilities, including  
45 fixed capital outlay for repairs and maintenance that would  
46 improve environmental conditions of the correctional facilities.

47 4.2. Funds in the Contractor-Operated Institutions Inmate  
48 Welfare Trust Fund shall be expended only pursuant to  
49 legislative appropriation.

50 Section 2. Effective October 1, 2026, section 945.6041,  
51 Florida Statutes, is amended to read:

52 945.6041 Compensation for inmate emergency and specialty  
53 medical services.—

54 (1) The Legislature finds that the department relies on  
55 community health care providers to provide emergency and  
56 specialty medical services to incarcerated inmates which cannot  
57 be provided by health care staff inside a state correctional  
58 institution or facility. The Legislature further finds that the

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59 department has experienced a substantial increase in inmate  
60 health care costs.

61 (2)(1) As used in this section, the term:

62 ~~(a) "Emergency medical transportation services" includes,~~  
63 ~~but is not limited to, services rendered by ambulances,~~  
64 ~~emergency medical services vehicles, and air ambulances as those~~  
65 ~~terms are defined in s. 401.23.~~

66 (a)(b) "Community health care provider" means:

67 1. A hospital licensed under chapter 395.

68 2. A physician or physician assistant licensed under  
69 chapter 458.

70 3. An osteopathic physician or physician assistant licensed  
71 under chapter 459.

72 4. A podiatric physician licensed under chapter 461.

73 5. An autonomous advanced practice registered nurse  
74 licensed under chapter 464.

75 ~~6.5.~~ A health maintenance organization certificated under  
76 part I of chapter 641.

77 ~~7.6.~~ An ambulatory surgical center licensed under chapter  
78 395.

79 ~~8.7.~~ A professional association, partnership, corporation,  
80 joint venture, or other association established by the  
81 individuals set forth in subparagraphs 2., 3., and 4. for  
82 professional activity.

83 ~~9.8.~~ An other medical facility.

84 a. As used in this subparagraph, the term "other medical  
85 facility" means:

86 (I) A facility the primary purpose of which is to provide  
87 human medical diagnostic services, or a facility providing

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88 nonsurgical human medical treatment which discharges patients on  
89 the same working day that the patients are admitted; and

90 (II) A facility that is not part of a hospital.

91 b. The term does not include a facility existing for the  
92 primary purpose of performing terminations of pregnancy, or an  
93 office maintained by a physician or dentist for the practice of  
94 medicine.

95 (b) "Emergency medical condition" has the same meaning as  
96 in s. 395.002(8).

97 (c) "Emergency medical services and care" means medical  
98 screening, examination, and evaluation by a physician, or, to  
99 the extent permitted by applicable law, by other appropriate  
100 personnel under the supervision of a physician, to determine  
101 whether an emergency medical condition exists and, if so, the  
102 care, treatment, or surgery by a physician necessary to relieve  
103 or eliminate the emergency medical condition, within the service  
104 capability of the facility.

105 (d) "Emergency medical transportation services" includes,  
106 but is not limited to, services rendered by ambulances,  
107 emergency medical services vehicles, and air ambulances as those  
108 terms are defined in s. 401.23.

109 (e) "Hospital" means any facility licensed under chapter  
110 395.

111 (f) "Inmate medical services" includes, but is not limited  
112 to, all services rendered by a community health care provider to  
113 an inmate, except emergency medical services and care provided  
114 by a hospital.

115 (g) "Medicaid allowable rate" means the amount that the  
116 Agency for Health Care Administration would reimburse a Medicaid

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117 provider, as defined in s. 409.901, for Medicaid-covered  
118 services delivered through the fee-for-service program.

119 (h) "Medicare allowable rate" means the amount set by the  
120 Centers for Medicare and Medicaid Services which Medicare will  
121 pay for a specific covered service.

122 (i) "Secure unit" means a designated space, approved by the  
123 department, where the department can safely and efficiently  
124 manage and secure inmates receiving medical services from a  
125 community health care provider.

126 (3)(2) Compensation to a community health care provider for  
127 the provision of to provide inmate medical services may not  
128 exceed 110 percent of the relevant Medicare allowable rate if  
129 the health care provider does not have a contract to provide  
130 services with the department or the contractor-operated  
131 correctional facility, as defined in s. 944.710, which houses  
132 the inmate. However, a community health care provider is exempt  
133 from this section and may negotiate compensation above 110  
134 percent of the relevant Medicare allowable rate if the community  
135 health care provider enters into an agreement with the  
136 department, a comprehensive health care services vendor, or a  
137 contractor-operated correctional facility, as defined in s.  
138 944.710, to provide health care services to inmates in a secure  
139 unit within the community health care provider's medical  
140 facility, within a correctional institution or facility, or by  
141 telehealth in accordance with s. 456.47 if such inmates are  
142 within the correctional institution or facility when they  
143 receive medical services compensation to a health care provider  
144 may not exceed 125 percent of the Medicare allowable rate if:

145 (a) The health care provider does not have a contract to

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146 ~~provide services with the department or the contractor operated~~  
147 ~~correctional facility, as defined in s. 944.710, which houses~~  
148 ~~the inmate; and~~

149 ~~(b) The health care provider reported a negative operating~~  
150 ~~margin for the previous year to the Agency for Health Care~~  
151 ~~Administration through hospital-audited financial data.~~

152 (4) Compensation to a hospital for the provision of  
153 emergency medical services and care provided to inmates may not  
154 exceed 110 percent of the Medicare allowable rate.

155 (5)~~(3)~~ Compensation to an entity to provide emergency  
156 medical transportation services for inmates may not exceed ~~110~~  
157 ~~percent of the Medicaid Medicare~~ allowable rate ~~if the entity~~  
158 ~~does not have a contract with the department or a contractor-~~  
159 ~~operated correctional facility, as defined in s. 944.710, to~~  
160 ~~provide the services.~~

161 (6)~~(4)~~ This section does not apply to charges for medical  
162 services provided at a hospital operated by the department.

163 Section 3. For the purpose of incorporating the amendment  
164 made by this act to section 945.215, Florida Statutes, in a  
165 reference thereto, subsection (1) of section 944.72, Florida  
166 Statutes, is reenacted to read:

167 944.72 Contractor-Operated Institutions Inmate Welfare  
168 Trust Fund.—

169 (1) There is hereby created in the Department of  
170 Corrections the Contractor-Operated Institutions Inmate Welfare  
171 Trust Fund. The purpose of the trust fund shall be the benefit  
172 and welfare of inmates incarcerated in contractor-operated  
173 correctional facilities under contract with the department  
174 pursuant to this chapter or chapter 957. Moneys shall be

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175 deposited in the trust fund and expenditures made from the trust  
176 fund as provided in s. 945.215.

177 Section 4. Except as otherwise expressly provided in this  
178 act, this act shall take effect July 1, 2026.