

CHAPTER 2023-244

Senate Bill No. 7018

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

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

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

945.215 Inmate welfare and employee benefit trust funds.—

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

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

2. Disciplinary fines imposed against inmates;

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The purchase, rental, maintenance, or repair of electronic or audio-visual equipment, media, services, and programming used by inmates.

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

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

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

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

945.6037 Nonemergency health care; inmate copayments.—

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

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

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

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

1. Is provided in connection with an extraordinary event that could not reasonably be foreseen, such as a disturbance or a natural disaster;
2. Is an institutionwide health care measure that is necessary to address the spread of specific infectious or contagious diseases;
3. Is provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another jurisdiction which precludes assessing such a copayment;
4. Was initiated by the health care provider or consists of routine follow-up ~~followup~~ care;
5. Is initiated by the inmate to voluntarily request an HIV test;
6. Produces an outcome that requires medical action to protect staff or inmates from a communicable disease; or
7. When the inmate is referred to mental health evaluation or treatment by a correctional officer, correctional probation officer, or other person supervising an inmate worker.

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

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

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

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

944.73 State-Operated Institutions Inmate Welfare Trust Fund.—

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

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

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

(4)

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

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

Approved by the Governor June 15, 2023.

Filed in Office Secretary of State June 15, 2023.