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SECRETARY**

**PROCEDURE NUMBER: 203.015**

**PROCEDURE TITLE: ADMINISTRATION OF THE INMATE TRUST FUND**

**RESPONSIBLE AUTHORITY: OFFICE OF ADMINISTRATION**

**EFFECTIVE DATE: MAY 18, 2011**

**INITIAL ISSUE DATE: MARCH 16, 2005**

**SUPERSEDES: PPD 2.02.15**

**RELEVANT DC FORMS: DC2-303, DC2-304, DC2-342, DC2-351, DC2-357, DC5-154,  
AND DC6-118A**

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**ACA/CAC STANDARDS: 4-4045, 4-4046, 4-ACRS-7D-31, AND 4-ACRS-7D-32**

**STATE/FEDERAL STATUTES: SECTIONS 57.085, 717.113, 944.516, 945.215, 945.6037,  
AND 945.6038, F.S.; PRISON LITIGATION REFORM ACT (P.L. 104-134); 28 U.S.C.  
SECTION 1915, AND 38 U.S.C. 5301**

**FLORIDA ADMINISTRATIVE CODE: RULES 33-102.101(2), 33-203.101, 33-203.201, 33-  
210.102(10), 33-602.201, 33-601.602, 33-602.203(5)(a) AND 33-501.302(5)-(6), F.A.C.**

**PURPOSE:** To provide guidelines necessary to administer the Inmate Trust Fund on a state-wide basis.

**DEFINITIONS:**

- (1) **Cashier**, where used herein, refers to staff designated to accept monies and document deposit transactions.
- (2) **Court-ordered Payment System (COPS)**, where used herein, refers to a component of the offender-based information system used to track court-ordered obligations of inmates. Inmates on work release have deductions from their paychecks automated into the COPS system to process payments for victim(s) restitution, fines, and court costs.
- (3) **Custodian**, where used herein, refers to staff that has been assigned custody of the received funds. The custodian for the institution will be the general services specialist. An alternate custodian may be assigned back-up duty.
- (4) **Inmate Trust Account** refers to a demand deposit account an inmate may establish for the purpose of depositing and disbursing funds.
- (5) **Inmate Trust Fund**, where used herein, refers to the fund utilized to maintain trust fund accounts for inmates.
- (6) **Medical Co-payment** refers to a fee that is charged an inmate for each non-emergency visit to a health care provider.
- (7) **Personal Savings Account**, where used herein, refers to an account that will accrue interest.
- (8) **Subsistence Fees** refers to fees that are charged an inmate who is on work release status.
- (9) **Weekly Draw** refers to an amount of money that an inmate may withdraw from her/his trust account to expend for personal use.
- (10) **Work Release Inmate** refers to an inmate that is at a work release center and is employed outside of the facility.

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**SPECIFIC PROCEDURES:**

- (1) **ORIENTATION OF INMATES:** All inmates will be advised that they may establish a demand deposit account, hereafter referred to as an inmate trust account, through the services of the department. They may also establish a personal savings account with a private financial institution. If an inmate chooses to establish an inmate trust account through the inmate trust fund, the inmate will be advised that such funds will not accrue interest to her/him. Notification of the above policy may be by publication of rules or through orientation procedures when the inmate is initially assigned. In either case, the notification will include the following information:

## Procedure 203.015

- (a) The inmate may establish a personal savings account or similar interest bearing account with a bank, savings and loan association, or similar private financial institution.
  - (b) The Department of Corrections will not be responsible for transactions between the inmate and the private financial institution(s).
  - (c) The inmate may deposit funds in the inmate trust fund as provided in this procedure for her/his current needs including the ability to make canteen purchases.
  - (d) In accordance with Rule 33-203.201(11), F.A.C., each inmate will be provided with one (1) monthly statement detailing the activity in her/his inmate trust account at no cost. Requests for additional copies should be submitted and will be provided in accordance with "Public Records Requests," Procedure 102.008.
  - (e) In accordance with Rule 33-203.201(1)(h), F.A.C., each inmate will be charged an administrative processing fee of no more than six dollars (\$6.00) per month for banking services. Inmates will be charged one percent (1%) of their total weekly canteen purchases and \$0.50 for each deposit. Inmates housed at work release centers will be assessed a one dollar (\$1.00) fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces who notify and provide documentation to the department they have been honorably discharged. An inmate whose account has no activity for the month will not be assessed a fee for that month.
  - (f) Funds on deposit in the inmate trust fund that are in excess of daily withdrawal needs will be invested through the State Treasurer. Interest earned on these investments will be deposited into the general revenue fund.
  - (g) An inmate's right to establish a savings account in a private financial institution in no way supersedes Rule 33-602.203(5)(a), F.A.C., which limits and controls the amount of money which an inmate may have in her/his personal possession or Rule 33-602.201, F.A.C. "Inmate Property," which does not allow inmates to possess checks, credit cards, debit cards, or other negotiables.
- (2) **CONTROL OF FUNDS MAILED TO THE BUREAU OF FINANCE AND ACCOUNTING, INMATE TRUST FUND SECTION:** All monies mailed to the Inmate Trust Fund Section, for an inmate, will be deposited into the inmate trust fund.
- (a) Monies will only be allowed in the form of cashier's checks, money orders, or certified bank drafts.
  - (b) Cash will not be accepted and will be returned to the sender. The department is not responsible for any cash sent through the mail.
  - (c) Any money orders, cashier checks, or certified bank drafts in the amount of \$400 or higher will have a ten (10)-day hold placed on the funds.

- (d) When mailing the funds to the Bureau of Finance and Accounting, Inmate Trust Fund Section, the sender will complete an “Inmate Trust Fund Deposit,” DC2-303. The deposit forms will be made available in the following ways:
  - 1. the inmate may obtain deposit forms from the facility and mail them to the individual who will be making a deposit;
  - 2. the individual who wishes to make a deposit may request forms in writing from the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P.O. Box 12100, Tallahassee, FL 32317-2100, or may request forms using the toll free number 1-866-209-7250, or via e-mail at [central.accounting@mail.dc.state.fl.us](mailto:central.accounting@mail.dc.state.fl.us);
  - 3. instructions concerning the form are available on the Department of Corrections internet site at <http://www.dc.state.fl.us/facilities/info/deposit.html>; and/or
  - 4. forms and instructions will be available to visitors in each visiting park.
- (e) Funds may be transmitted within the United States using department-approved agents. The sender must complete a form at an approved agent’s location, include the required information, and pay the transaction fee. The sender can also transmit funds with an approved agent using a credit card, by telephone, or by visiting the website of an approved agent. (Additional charges and some restrictions apply.) The funds will be sent via electronic funds transfer (EFT) and will usually be available for the inmate’s use within one (1) to three (3) working days. Information concerning the approved agents will be made available on the department’s public website, inmate bulletin boards, and visiting parks.
- (f) Funds may be transmitted from outside the United States using Western Union’s “Quick Pay” service or JPay, Inc. correctional payment service. For information on sending funds internationally using “QuickPay,” the sender may visit the website at [www.payment-solutions.com](http://www.payment-solutions.com) and for information on using JPay, Inc., the sender may visit the website at [www.jpays.com](http://www.jpays.com). When using JPay’s service, only American issued credit cards will be accepted.
- (g) Federal income tax refund checks received for deposit into the inmate trust fund will be subject to an investigation to determine if it is a valid tax refund prior to the check being deposited into the inmate’s trust account. If it is determined that the tax return is fraudulent, the check will be returned to the Internal Revenue Service.
- (h) Money orders, certified bank drafts, or cashier checks mailed to institutional or department addresses other than the Bureau of Finance and Accounting, Inmate Trust Fund Section will be returned to the sender.
- (i) Deposits are processed using an advanced high speed-processing machine that requires the use of an original deposit form. The Inmate Trust Fund Section will attempt to deposit funds received without the DC2-303 included; however, exclusion of the form may result in a delay of up to thirty (30) days. If inmate trust fund staff is unable to determine to which inmate the money is being sent, the money will be returned to the sender with a request for such additional information as may be necessary to process the deposit.
- (j) If inmate trust fund staff is unable to return the money because the sender did not provide a valid return address, the money will be held in a dormant/clearing account until the sender or

inmate is identified. The unclaimed funds will remain in a clearing account for a period of one (1) year. If the department is unable to identify the sender within that period, the funds will become the property of (escheat to) the State and forwarded to the Department of Financial Services, Bureau of Unclaimed Property, in accordance with Chapter 717, F.S..

- (k) Payrolls for inmates who are employed by PRIDE or other authorized organizations will be deposited into the inmate trust fund. PRIDE payrolls will be processed in accordance with "Inmate Compensation-PRIDE," Procedure 203.008. Payrolls for inmates employed by other authorized organizations will be mailed to the Inmate Trust Fund Section for manual input and deposit. Payments made to inmates housed at work release centers will be received at the center for manual input and deposit.
- (l) Stipends for permanent party inmates at work release centers will be deposited into the inmate trust fund. Permanent party inmates are paid on the tenth (10<sup>th</sup>) of every month. The regional accounting offices will post a file containing FLAIR organization Level 2 and Level 3, location, DC number, inmate name, and payee amount to the Finance and Accounting Outlook Public Folder by the sixth (6<sup>th</sup>) working day of the month to obtain payment for permanent party work release stipends. The files are processed using a batch upload for generating warrants from the general revenue fund for deposit to the inmate trust fund.
- (m) The Bureau of Institutional Support Services will e-mail a canteen operator file containing the FLAIR organization Level two (2) and Level three (3), location, DC number, and inmate name to the assistant bureau chief, Bureau of Finance and Accounting or designee. The Bureau of Finance and Accounting will prepare a batch upload for generating warrants from the general revenue fund for deposit to the inmate trust fund.
- (n) If an inmate does not wish her/his monies to be deposited into the inmate trust fund, the inmate will be required to advise the donor of funds to send those directly to the financial institution of her/his choice. Any monies received by an inmate, which were **not** earned while the inmate was on work release or a similar paid employment, may be transferred to a private financial institution of the inmate's choice. This process will not apply where an inmate is on work release or a similar paid work program. The procedures set forth in section (12) below will apply to all inmates on work release.

(3) **CONTROL OF FUNDS RECEIVED AT INSTITUTIONS AND RECEPTION CENTERS:**

- (a) Monies collected in correctional facilities will be appropriately safeguarded until funds are forwarded or picked up by the regional accounting office or the institutional custodian for deposit. Institutional staff will utilize a secured location for all cash and negotiables collected.
  - 1. Monies will be forwarded or picked up for deposit on a regular basis, but no less often than once a week.
  - 2. Funds will be adequately safeguarded in a secured location.
  - 3. Funds secured by the custodian will not be co-mingled or held indefinitely.
  - 4. Detailed information regarding cash and other negotiable instruments secured will be available.

5. Institutional staff will prepare a receipt for inmates and employees for all cash transfers before securing the cash.
  6. All collections will be stored in a secured location when overnight and weekend storage is required. The cashier or other designated person will prepare a "Money Transmittal (Other)," DC2-342, on a daily basis for any monies collected that day.
  7. The senior fiscal officer or designated staff will be ultimately responsible for the deposit of funds for the regional business office or institution.
  8. Deposit tickets will not be prepared and deposits will not be delivered to the bank by staff having posting or reconciliation responsibilities.
  9. Appropriate controls will be maintained to ensure that all funds received are properly accounted for. It is mandatory that all transactions, including cash for all funds, be made by signed receipt reflecting the amount and date when cash is passed from one individual to another. The receipting process must be strictly followed especially for hand-to-hand cash transactions between staff and inmates.
  10. Duties for receipt, recording, and reconciliation will be segregated.
  11. Monies collected by security staff during the reception process or confiscated as contraband will be safeguarded as described above and handled in accordance with:
    - a. "Reception Process – Initial Classification," Procedure 601.209; and
    - b. "Contraband and Searches of Inmates," Procedure 602.018.
- (b) Monies collected in reception centers will be handled as outlined in section (3)(a)1-11 above, as well as the following manner:
1. The custodian or designated institutional staff will post the cash and other negotiable instruments to the inmate's trust fund account. Each transaction will list the following information:
    - a. description,
    - b. remitter,
    - c. check or money order number,
    - d. date of check or money order,
    - e. fund,
    - f. amount of check or money order,
    - g. posting reference number,
    - h. user ID of person posting to the accounting system, and
    - i. deposit ticket reference number.
  2. Once the deposit is made, staff will forward a copy of the deposit ticket, validated by the bank, to the Bureau of Finance and Accounting, Inmate Trust Fund Reconciliation for verification.
- (c) Monies collected in institutions other than reception centers will be handled as outlined in section (3)(a)1-11 of this procedure as well as in the following manner:
1. The custodian will prepare a DC2-342 to document the transfer of monies to regional accounting staff or designated institutional staff. The DC2-342 will include the following information:
    - a. description,
    - b. remitter,
    - c. check or money order number,
    - d. date of check or money order,

- e. fund,
  - f. amount of check or money order,
  - g. posting reference number,
  - h. name of person preparing the list and date certifying the list containing all monies received,
  - i. name of person receiving the money for deposit or storage and date,
  - j. name of person posting to the accounting system, and
  - k. deposit ticket reference number.
2. The DC2-342 and supporting documentation will be hand-delivered to staff designated as cashier. The cashier will verify the correctness of each item and sign the list to acknowledge receipt of the noted items. The cashier will retain one copy (canary) of the listing as a permanent record of cash, checks or money orders received and deposited.

(4) **SUBSISTENCE, TRANSPORTATION, RESTITUTION, COURT-ORDERED PAYMENT, AND SAVINGS DEDUCTIONS:** In accordance with “Disbursement of Earnings,” Rule 33-601.602(10), F.A.C., an inmate on work release status will be required to pay applicable fees charged and posted to the inmate's individual trust fund account following receipt and deposit of the inmate's earned wages. These same requirements will apply to inmates paid via EFT.

- (a) Upon each inmate’s initial receipt, classification staff at the reception center will gather information regarding court-ordered fines, court costs, and victim restitution owed by the inmate. The information will be entered into COPS. The information will be verified by institutional classification staff prior to the inmate being placed on work release.
- (b) Upon the inmate’s arrival at a work release center, the classification staff will assist the inmate in filling out a “Personalized Program Plan for Work Release/Community-Based Transition Centers,” DC6-118A. The DC6-118A will outline disbursement of the inmate’s salary for subsistence, restitution, court costs, fines, savings, family assistance, personal expenses, and any other financial goals and objectives.
- (c) On or before the tenth (10<sup>th</sup>) of the following month, deductions for restitution fees and deductions made pursuant to court-ordered fees from the previous month will be paid from the inmate trust fund and deposited in the court-ordered payment trust fund for remittance to the applicable payees.
- (d) The inmate’s plan for disbursement of earnings will include a provision that no less than ten percent (10%) of her/his net income will be placed in savings for disbursement upon her/his release in accordance with Rule 33-601.602(11)(c), F.A.C. Additionally, while an inmate is assigned to a community release program, such savings may not be used for any inmate expenditure including but not limited to subsistence payments, transportation fees, or weekly draws.

(5) **INMATE MEDICAL CO-PAYMENTS:**

- (a) Inmate medical co-payments will be assessed and administered in accordance with “Co-Payment Requirements for Inmate Medical Encounter,” Procedure 401.010.
- (b) In accordance with 38 U.S.C. 5301, inmates who receive Veterans Administration (VA) disability benefit checks will not have charges for medical co-payments taken from their benefit check.

(6) **LEGAL COPYING/POSTAGE SERVICES:**

- (a) Pursuant to Rules 33-102.101(2) and 33-501.302(6)(a), F.A.C., all inmates will be charged for copying services for civil proceedings. The cost will be \$0.15 per page for standard legal or letter size copies. If special equipment or paper is required, the institution is authorized to charge the inmate up to the estimated actual cost to the institution of making the copies.
- (b) Only one (1)-sided copies will be made.
- (c) Pursuant to Rule 33-501.302(6)(c), F.A.C., civil proceeding copying services will not be denied for inmates unable to pay for copies. However, the cost of providing copies is a debt owed by the inmate. The completed “Copying Service Request and Withdrawal,” DC5-154, will be forwarded by the institution to the Bureau of Finance and Accounting, Inmate Trust Fund Section. The cost will be collected from any existing balance in the inmate’s trust account. If the balance is insufficient to cover the cost, the account will be reduced to zero and a hold will be placed on the inmate’s account. All subsequent deposits to the inmate’s account will be applied against the unpaid costs until the debt has been paid.
- (d) Pursuant to Rule 33-210.102(10), F.A.C., the institution will furnish postage for mail to courts and attorneys and for pleadings to be served upon each of the parties to a lawsuit for those inmates who have insufficient funds to cover the cost of mailing the documents at the time the mail is submitted to the mailroom, but not to exceed payment for the original and two (2) copies except when additional copies are legally required. Submission of unstamped legal mail to the mailroom or mail collection representative by an inmate without sufficient funds will be deemed to constitute the inmate’s request for the institution to provide postage and place a lien on the inmate’s account to recover the postage costs when the inmate receives funds. The “Legal Postage Obligations,” DC2-357, will be forwarded by the institutional mailroom to the Inmate Trust Fund Section via e-mail or facsimile at least weekly. At the time the mail is submitted to the mailroom, the Inmate Trust Fund Section will place a lien on the inmate’s account for collection of the legal postage charges.
- (e) The funds collected will be deposited monthly into the general revenue fund.
- (f) In accordance with 38 U.S.C. 5301, inmates who receive Veterans Administration (VA) disability benefit checks will not have charges for legal copies and legal postage taken from their disability benefits.



- (7) **OTHER LIENS:** The following are other types of liens that can be charged to an inmate's trust fund account and the recipient of the reimbursement. Section 945.215(1)(f) requires that all debts against the inmate's account be satisfied prior to expending funds for personal use on canteen items, therefore 100% of all deposits are applied to the inmate's debt. The only exceptions are medical copayments which are collected in accordance with Section 945.6037, F.S., and court orders for Federal Prison Litigation filing fees which specifically state twenty percent (20%). Liens are processed the same as described in section (6)(c) of this procedure:
- (a) destruction of property - general revenue fund,
  - (b) destruction of property/food,
  - (c) ID cards - general revenue fund,
  - (d) medical bills - general revenue fund, and
  - (e) nicotine patches - general revenue fund.
- (8) **HOLDS:** The following are the six (6) types of holds:
- (a) **Civil Proceeding Copying:** This hold will be used to replace any fees for civil proceeding copies made in accordance with "Copying Services for Inmates," Procedure 501.302. The DC5-154 will be processed upon receipt from the institution. If the inmate's trust fund balance is not sufficient to cover the amount of the copies, a copying hold will be placed on the inmate's account for collection from future deposit(s).
  - (b) **Deposit:** This hold will be placed on any money orders, cashier checks, or certified bank drafts in the amount of \$400 or higher for a period of ten (10)-calendar days. This hold type is automated when the deposit is processed. The hold will be removed in ten (10) calendar days provided the issuing bank has paid the instrument.
  - (c) **Foreign Items:** Funds drawn on international banks will have a foreign items hold placed to ensure the funds clear the bank. This is necessary due to Bank of America banking regulations. If Bank of America is not contracted with the international bank, the value of the item must exceed \$200 and is subject to a collection fee.
  - (d) **Release Gratuity:** This hold will be used to replace any funds issued at end of sentence from the inmate release cash if the inmate is ineligible to receive a discharge gratuity but has funds in her/his inmate trust account.
  - (e) **Returned Items:** Deposit items not honored for payment when presented to the bank will be reversed from the inmate's trust fund account. If the inmate's trust fund balance is not sufficient to cover the amount of the item, a returned items hold will be placed on the inmate's account for collection from future deposit(s).

- (f) **Special Order:** Pursuant to Rule 33-203.101(4)(a), F.A.C., items that are approved but not stocked in the canteen will be available to permanently assigned inmates for order from an approved vendor (selected by statewide bid) on a quarterly basis in the months of February, May, August, and November. If an inmate receives an order that s/he did not have sufficient funds to cover due to a processing error, a hold will be placed on the inmate's trust account. Once the inmate receives deposits sufficient to satisfy the hold, the hold will be removed and a check will be forwarded to the contractor.
- (9) **PRISON LITIGATION REFORM ACT:** Pursuant to section 57.085, F.S., and P.L. 104-134, the Department of Corrections is required to collect court costs and filing fees from inmates who initiate a proceeding seeking a waiver of the prepayment of court costs and filing fees because of indigence. If the court concludes from the affidavit of indigence or other information that the inmate is able to pay court costs and filing fees, the court will order the inmate to make an initial partial payment of those court costs and filing fees prior to service of process. For state prison litigation, the initial partial payment is at least twenty percent (20%) of the average balance of the inmate's trust fund account for a period of six (6) months or the length of the inmate's incarceration, whichever period is shorter. For federal prison litigation, the initial partial filing fee is twenty percent (20%) of the greater of the average monthly deposits to or the average monthly balance in the prisoner's account for the six (6)-month period immediately preceding the filing of the complaint or notice of appeal. The Department of Corrections will place a lien on the inmate's trust account for the remainder of the court costs and filing fees due.
- (a) The following are the types of prison litigation liens:
1. **State Prison Litigation:** after the initial partial payment is remitted the lien must be satisfied in its entirety before an inmate will be able to purchase from the canteen.
  2. **Federal Prison Litigation:** after the initial partial payment is remitted, for each subsequent deposit twenty percent (20%) is applied towards the lien balance until the lien balance is collected.
  3. **DC Prison Litigation:** a \$250 lien is placed on the inmate's account and is remitted to the court once the lien is collected. The lien must be satisfied before an inmate will be able to purchase from the canteen.
- (b) For state and federal prison litigation cases, once the balance collected in the inmate's trust fund account exceeds ten dollars (\$10) the funds will be remitted to the appropriate clerk of court until the prisoner's court costs and filing fees are paid in full. The court costs and filing fees will be remitted to the appropriate clerk of court monthly.
- (10) **COST JUDGMENTS:** Any cost judgment or other monetary judgment, order, or sanction imposed by a court against an inmate as described in the paragraphs above, will be paid by offsetting the amount of the judgment or monetary order or sanction against the inmate's funds in her/his inmate trust account in the following manner:
- (a) The attorney representing the state in such civil action or appeal, or probation and parole field staff for probation and restitution center offenders who violate the conditions of probation and owe fees for room and board will file the following with the Office of the General Counsel, Department of Corrections, 501 South Calhoun Street, Tallahassee, FL 32399-2500:

1. a true copy of the judgment or other monetary order or sanction which has been entered by the appropriate court;
  2. a cover letter stating the date and amount of the judgment, monetary order, or sanction, or the balance remaining if less than the face amount thereof; and
  3. if the individual is an attorney, her/his name, address and telephone number.
- (b) An attorney sending a cost judgment will also certify in the letter that:
1. s/he has been employed by the State to handle such action;
  2. the enclosed copy of the judgment or other monetary order or sanction is a true and accurate copy thereof as actually entered by the court;
  3. the judgment or relevant order is final; and
  4. a copy of the letter, together with a copy of the judgment or relevant order has been furnished to the inmate at her/his last known address as indicated in the sending party's records.
- (c) Upon receipt of the above documents, the Office of the General Counsel will determine if the inmate is still in the custody of the department.
1. If the inmate is not in the custody of the department, the Office of the General Counsel will advise the sending party of that fact and, if one is known, will provide a last known forwarding address of the inmate.
  2. If the inmate is in the custody of the department, the Office of the General Counsel will forward the letter and a copy of the judgment or relevant order to the Inmate Trust Fund Section.
- (d) The Inmate Trust Fund Section will immediately place a hold on the inmate's account upon receipt of the letter and a copy of the judgment or relevant order. The inmate will be promptly advised of the hold and the reason for the hold. A copy of the letter from the attorney or probation and parole field office and a copy of the judgment or relevant order will be given to the inmate upon her/his request.
- (e) If there are sufficient funds in the inmate's account to satisfy the amount shown as due or the remaining balance as stated by the attorney, the appropriate Inmate Trust Fund staff will:
1. if the cost judgment is from an attorney, promptly cause a check to be issued payable to the "State of Florida" and will send the check to the attorney. The check will be drawn and credited against funds in the inmate's account. At such time, the hold will be released on the inmate's account. It will be the attorney's responsibility to see that the check is forwarded to the appropriate state agency or entity; or
  2. if the cost judgment is from a probation and parole field office, promptly cause a check to be issued payable to the "State of Florida." The check will be drawn and credited against the funds in the inmate's account.
- (f) If there are insufficient funds in the inmate's account to satisfy the amount shown as due or the balance remaining as stated by the attorney, a check will be issued payable to the "State of Florida" for the amount contained in the inmate's account. Each time the inmate receives funds in her/his account, payment will be disbursed to the State of Florida until the debt is satisfied. The hold will remain on the inmate's account until sufficient funds have been paid to satisfy the amount shown as due on the balance remaining thereon.

- (g) If the inmate is released from the custody of the department before s/he has paid the full amount of the judgment, upon her/his release, a notice will be sent to the attorney or probation and parole office advising the individual or office of the inmate's release. The notice should include the inmate's last forwarding address, if known, and the fact that the inmate has not paid the full amount of the judgment. A copy of this notice will be placed in the inmate's file.

(11) **REQUEST FOR WITHDRAWAL OF FUNDS:**

- (a) In accordance with Rule 33-203.201(3)(a), F.A.C., work release inmates with a sufficient balance in their individual inmate trust account will be allowed to request a weekly draw set by the Secretary not to exceed \$100 to be expended for personal use.
- (b) In accordance with Rule 33-203.101(2), F.A.C., inmates at institutions with a sufficient balance in their individual inmate trust accounts will be allowed to purchase canteen merchandise on a weekly basis in an amount not to exceed \$100.
- (c) Requests for expenditure of funds in excess of the authorized weekly draw will require completion of an "Inmate Trust Fund Special Withdrawal," DC2-304, to document the disbursement.
  1. The inmate will be required to sign a DC2-304 in the presence of a Department of Corrections' officer who will forward the request to the administrative lieutenant for authorization. The authorization applies to the reason for the withdrawal and for the verification of the identity of the inmate submitting the request. The administrative lieutenant will either approve or disapprove the special withdrawal request. The inmate will provide a pre-addressed stamped envelope.
  2. The administrative lieutenant will forward each approved DC2-304 and pre-addressed stamped envelope to the Inmate Trust Fund Section for processing.
  3. To cancel an approved DC2-304 that has already been forwarded to the Inmate Trust Fund Section for processing, the inmate must request approval from the administrative lieutenant or higher. Upon approval, the administrative lieutenant or higher must fax or e-mail notification to the Inmate Trust Fund Section.
  4. An inmate wishing to send funds to an inmate at another institution must obtain approval from the wardens at both institutions. The wardens will indicate their approval on the DC2-304.
  5. The inmate will be responsible for the banking fees charged to process requests for copies of cancelled checks or requests for stop payment on checks issued.
- (d) Every reasonable effort will be made to provide the funds authorized to the inmate or designated payee within ten (10) days after receipt of the DC2-304. If the withdrawal is for payment into a savings or similar interest bearing account for the inmate, the check drawn upon the inmate trust fund will be made payable to the financial institution chosen by the inmate, with the inmate's name and DC number as a reference, and will be mailed to the financial institution by the Inmate Trust Fund Section.

(12) **SPECIAL PROVISIONS FOR INMATES HOUSED AT WORK RELEASE CENTERS:**

- (a) Inmates on work release status may, within the first fourteen (14) days of transfer, receive a one (1)-time start-up money in cash not to exceed fifty dollars (\$50) from an approved individual at the discretion and time determined by the major/facility director.
- (b) In addition to required subsistence, restitution, savings, medical co-payments, legal copying, the Prison Litigation Reform Act, and authorized weekly draws, work releasees may be permitted funds for any or all of the following purposes if approved by the correctional officer major at the work release center:
  - 1. to purchase certain tools or equipment that the approved work releasee must have as a requisite to employment in the position of her/his choice;
  - 2. to make payments for support of dependents, if applicable;
  - 3. to make additional payments of restitution, fines, and court costs, or to comply with a judgment, if applicable;
  - 4. to make payment of pre-existing debts acknowledged by the inmate, if applicable;
  - 5. to make payment of medical and dental bills, if applicable; and/or
  - 6. for any other legitimate personal expense.
- (c) All disbursements of personal expenses in excess of the weekly cash draw allowance will be documented with a completed DC2-304. In accordance with Rule 33-601.602(11)(m), F.A.C. The amount of such requests will be limited to no more than ten percent (10%) of funds available in the inmate's trust fund account. Special withdrawal requests are limited to one (1) per month unless an emergency arises, such as a sudden change of employment requiring the purchase of appropriate tools, clothing, or equipment. Emergency special withdrawal requests will be evaluated and approved or disapproved by the major or contract facility director to ensure that the withdrawal is emergent in nature.
  - 1. The inmate will sign a DC2-304 in the presence of a Department of Corrections' officer. The form will be reviewed and approved or disapproved by the work release center major. The inmate will provide a pre-addressed stamped envelope.
  - 2. The correctional officer major will forward each approved DC2-304 and pre-addressed stamped envelope to the Inmate Trust Fund Section for processing.
  - 3. To cancel an approved DC2-304 that has already been forwarded to the Inmate Trust Fund Section for processing, the inmate must request approval from the major. Upon approval, the major must fax or e-mail notification to the Inmate Trust Fund Section.
  - 4. If an inmate requests a copy of a cancelled check or requests a stop payment on a check, the inmate will be responsible for the banking fees charged to process the transactions.
- (d) Each work release center will establish an inmate check cashing procedure in the community with a local bank, business, or other reputable establishment for the purpose of inmates or work release center staff cashing checks written by the Inmate Trust Fund Section. Under no circumstances will an employee countersign or endorse an inmate check for the purpose of cashing such check.

- (e) Subsequently, the inmate may request within seven (7) days of the expiration of his sentence to establish an outside bank or credit union account as allowed by the criteria set forth in Rule 33-601.602(11)(k), F.A.C.

(13) **INVESTMENT OF EXCESS INMATE TRUST FUNDS:** The Inmate Trust Fund Section will invest through the State Treasurer funds in excess of current needs. The monies earned as a result of investment will be used for recoupment of shortages that cannot be replaced by appropriated funds, insurance payments, or other available resources.

(14) **DISPOSITION OF INMATE FUNDS:**

- (a) When an inmate is transferred to a contract facility, the Inmate Trust Fund Section will mail the inmate's balance over one dollar (\$1) within fifteen (15) days to the receiving facility.
- (b) When an inmate is released from the control of the department, the inmate's balance in the inmate trust fund at time of discharge, provided the inmate trust fund account balance exceeds one dollar (\$1), will normally be mailed by the Inmate Trust Fund Section within forty-five (45) days to an address provided by the inmate. Inmates being released will be provided with a cash gratuity for travel and related expenses in accordance with "Inmate Release Cash," Procedure 203.005.
  - 1. If the inmate meets the eligibility requirements established by the department, the money will be in the form of a discharge gratuity.
  - 2. Inmates not eligible for discharge gratuities but with sufficient funds available in their trust account will be provided cash upon release. The amount of the cash payment will be deducted from the inmate's trust fund account. Any remaining account balance will be forwarded as indicated in section (14)(b) above.
  - 3. If the mail containing the funds is returned, the funds will remain in the inmate's account as a "closed" status account. If the funds remain unclaimed for one (1) year from the date of discharge, they will be sent to the Department of Financial Services as abandoned property.
  - 4. If contacted and requested by the inmate, an "Affidavit/Acknowledgement for Address Change," DC2-351, will be sent by the Bureau of Finance and Accounting to the former inmate (at the address indicated by the inmate as being current) to complete and return. Upon receipt of the properly completed DC2-351, another check will be issued and mailed to the new address.
  - 5. If the inmate contacts the Inmate Trust Fund Section prior to discharge and requests that release funds be sent to an address other than that in the offender-based information system, a DC2-351 will be sent for the inmate to complete and return. The DC2-351 must be signed off by the release officer prior to submittal to the Inmate Trust Fund Section. The release officer's signature is required to document that the release officer has been notified of the updated address. Upon receipt of the executed acknowledgement and after release, the close-out check will be sent to the corrected address.
- (c) When an inmate dies during the period of incarceration, her/his balance in the inmate trust fund will first be charged for any unpaid state claims and any remaining funds will be

transferred to the decedent's estate. In the event that the funds are unclaimed, the said funds will remain in her/his account as a "closed" status account. After one (1) year from the date of death, the unclaimed funds will be sent to the Department of Financial Services as abandoned property.

- (d) When an inmate escapes and has not been recaptured within thirty (30) days, any balance in her/his inmate trust fund will be forwarded to the person designated on the inmate's notification record. If such person cannot be located after reasonable effort, such funds will remain in the inmate's account and be in a "closed" status. After one (1) year from the date of escape, the funds will be sent to the Department of Financial Services as abandoned property. If the escapee is apprehended within thirty (30) days, her/his funds will be forwarded to the authority where the inmate is incarcerated.
- (e) When an inmate is released from custody, or escapes from control of the Department of Corrections and has a trust account balance that is less than one dollar (\$1), the department will retain the funds. Funds collected from inmate account balances less than one dollar (\$1) will be transferred to the general revenue fund.

(15) **ACCOUNTING RECORDS AND FINANCIAL REPORTS:** All cash receipt and disbursement transactions will be recorded in appropriate automated accounting journals by inmate trust fund staff. General ledger accounts provided by the Department of Financial Services will be used to record all transactions. All supporting documentation for cash receipts and disbursements and all other transactions will be maintained in the Bureau of Finance and Accounting and properly filed for future reference in accordance with established record retention requirements.

(16) **INMATE TRUST FUND SHORTAGES:**

- (a) Inmate Trust Fund Section reviews of periodic financial statements will include a determination of whether any inmate trust fund shortages exist. The chief, Bureau of Finance and Accounting will refer routine shortages to the chief internal auditor on a quarterly basis.
- (b) The chief, Bureau of Finance and Accounting will file an incident report with the inspector general if fraudulent activity is suspected or the amount of the shortage exceeds \$500. The Inspector General's Office will process the incident report and forward results to the Bureau of Internal Audit.
- (c) The chief internal auditor will, pursuant to a thorough investigation, make a written recommendation for the disposition of all shortages. Interest earned from investments will be used to replace any funds, which were stolen, lost, or otherwise misappropriated from the inmate's trust account through no fault of the department. Department funds will be used to replace the loss if the chief internal auditor concludes the department is at fault.

\_\_\_\_\_/S/\_\_\_\_\_  
Secretary

\_\_\_\_\_/5/18/11\_\_\_\_\_  
Date