

January 24, 2022

Notice of Change/Withdrawal

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:

33-203.201 Inmate Trust Fund

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 47 No. 209, October 27, 2021, issue of the Florida Administrative Register.

The following changes were precipitated by comments received from the general public during a public hearing held December 7, 2021. Technical changes were also made to correct misspellings.

33-203.201 Inmate Trust Fund

(1) No Change.

(2) Deposits. An inmate may receive funds for deposit into his or her inmate trust account only from individuals who, pursuant to Rule 33-601.716, F.A.C., are identified on the inmate's automated visiting record, and who have a current "approved" status. Deposits from individuals will be received and processed by the contracted vendor through online, telephone, or mailing of money orders, cashiers checks, or certified bank drafts (no cash or personal checks allowed). A newly received inmate may receive funds from any remitter for up to 60 days from the date of reception or up to the date the inmate's automated visiting record is established, whichever occurs first.

(a) Money Orders, cashiers checks, or certified bank drafts shall be mailed pursuant to the instructions provided on Form DC2-363, Money Order Deposit Form For Inmate Deposits, and shall be initially deposited into the Inmate Trust Fund. Form DC2-363 is hereby incorporated by reference. This form may be obtained from any institution, facility, the vendor listed on Form DC2-363, the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P.O. Box 12100, Tallahassee, Florida 32317-2100 or the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08569>. The effective date of this form is 8-17. Funds must be mailed with the completed Form DC2-363, Money Order Deposit Form For Inmate Deposits, and made payable to the vendor listed on Form DC2-363. Both Form DC2-363 and the money order must include the inmate's name and DC number. In addition the sender shall provide a valid copy of their drivers license ~~license~~, state ID, or Passport. If a valid copy of the sender's ID is not enclosed the money will be returned to the sender. Funds will become available for the inmate's use within ten working days after receipt by the vendor. Every effort shall be made to have funds available sooner. Money orders from family and friends mailed to institutional or other Department addresses including the Bureau of Finance and Accounting, Inmate Trust Fund Section will be returned to the sender. Letters or notes included with payments will not be considered and will be discarded.

(b) Deposits sent by mail are processed using an advanced high-speed processing machine which requires the use of the deposit form. Attempts will be made to process deposits sent without the accompanying form, but the availability of funds may be delayed up to 30 days as a result. If staff are unable to determine the appropriate inmate recipient ~~recipient~~, the money will be returned to the sender with a request for additional information necessary to process the deposit. If staff are unable to determine the correct inmate recipient and the funds are nonreturnable because the sender did not provide a valid return address, the money will be held in a clearing account until the sender or recipient inmate is identified. If neither the sender nor the recipient can be identified within one year the funds shall escheat to the state as unclaimed funds held by a government agency in accordance with Section 717.113, F.S

(c) Deposits from governmental agencies, transfers from private correctional facilities and county jails, checks from charitable organizations, and checks from business accounts should be mailed to the Inmate Trust Fund address: Florida Department of Corrections, Inmate Trust Fund, Centerville Station, P.O. Box 12100, Tallahassee, FL 32317-2100. For purposes of this paragraph, business accounts include accounts administered by corporate trustees. Business checks in the amount of \$400 or more posted to an inmate's trust account will be held for 10 days before the funds will be released.

(d) through (f) No Change.

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(3) through (12) No Change.

Rulemaking Authority 944.09, ~~944.151~~, 944.516, 945.091, 945.215 FS. Law Implemented 17.61, 20.315(12), 57.085, 717.113, 944.09, ~~944.151~~, 944.516, 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05, 11-12-06, 9-2-08, 5-26-09, 7-1-13, 3-11-14, 8-15-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Comerford, Assistant Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 6, 2020