

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

**BILL:** CS/CS/SB 1032

**INTRODUCER:** Subcommittee on Criminal Justice Appropriations, Criminal Justice Committee and Senator Altman

**SUBJECT:** Correctional Reentry Treatment Facilities

**DATE:** April 5, 2013                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	<b>Fav/CS</b>
2.	Cantral	Sadberry	ACJ	<b>Fav/CS</b>
3.			AP	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/CS/SB 1032 requires the Department of Corrections to work with the Department of Health (DOH) and the Department of Highway Safety and Motor Vehicles (DHSMV) to ensure that every Florida-born inmate who leaves prison has a state identification card and a certified copy of their birth certificate at no cost to the inmate.

The bill may have a significant fiscal impact upon selected state revenues. However, the actual loss of revenue is expected to be less due to the exclusions in the bill and the fact many inmates would not have applied for either a Florida birth certificate or a Florida identification card.

In the area of faith and character based programs, the bill encourages the department to maintain faith and character-based institutions for both male and female inmates. It also requires peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, to be offered at faith and character-based institutions.

The bill has an effective date of July 1, 2013.

The bill substantially amends sections 322.051, 382.0255, 944.605, and 944.803 of the Florida Statutes.

## II. Present Situation:

### Reentry Programs for Nonviolent Offenders

Inmates who enter prison often have shortcomings in one or more areas of education, employment skills, substance abuse-free living, and mental health that contributed to their current situation. For example, 24.6 percent of the inmates admitted to prison during Fiscal Year 2011-2012 had been convicted of a drug crime<sup>1</sup> and almost two-thirds of inmates who enter prison for any crime also have a substance abuse problem.<sup>2</sup> Unless addressed, these deficiencies are likely to contribute to re-offending and a return to prison.

In the past decade the executive and legislative branches of state government have acknowledged the importance of reentry services and post-release planning and transition. In May 2007, the Department of Corrections revised its mission statement to include assisting offenders with reentry into society in order to reduce recidivism and to lower crime rates. The department's reported goal was to bring down the three-year post-release recidivism rate from 32 percent to 20 percent by 2012. The department reports that the three-year post-release recidivism rate for inmates released in 2008 was 27.6 percent.<sup>3</sup>

The department reports that it focuses on the following core programs in its reentry programming:<sup>4</sup>

- Faith and Character/Purposeful Living Units Serve
- United States Department of Labor apprenticeships
- Vocational training
- Thinking for a Change
- 100 Hour Transition<sup>5</sup>
- Veteran's units
- Education
- Substance abuse

### Faith- and Character-based Programs

In 1999, the department opened its first faith-based dormitory in cooperation with Kairos Horizon at Tomoka Correctional Institution. Several other faith-based dormitories were opened

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<sup>1</sup> Fla. Dep't of Corrections, *Inmate Admissions*, [http://www.dc.state.fl.us/pub/annual/1112/stats/im\\_admis.html](http://www.dc.state.fl.us/pub/annual/1112/stats/im_admis.html) (last visited March 28, 2013).

<sup>2</sup> Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Corrections Rehabilitative Programs Effective, But Serve Only a Portion of the Eligible Population*, Report No. 07-14 (February 2007), p. 6.

<sup>3</sup> Department of Corrections, *Recidivism Rates Over Time*, "<http://www.dc.state.fl.us/pub/recidivism/2013.html> (last visited on March 28, 2013).

<sup>4</sup> Department of Corrections Reentry Core programs, <http://www.dc.state.fl.us/reentry/programs.shtml> (last visited on March 26, 2013).

<sup>5</sup> This program is mandated by s. 944.7065, F.S., for inmates who are within 12 months of release.

around the state beginning in 2000. In 2001, the Legislature required the department to have six additional faith-based dormitory programs fully operational by June 1, 2002.<sup>6</sup> In 2003, Lawtey Correctional Institution became the first faith-based institution. The department currently has faith and character-based programs at 11 institutions:<sup>7</sup>

<b>Faith and Character Based Residential Facilities</b>		
<b>Location</b>	<b>Capacity</b>	<b>Gender</b>
<i><b>Dormitories</b></i>		
Tomoka C.I.	290	Male
Polk C.I.	128	Male
Lowell RC.	344	Female
Gulf – Annex	128	Male
Everglades C.I	128	Male
Lancaster C.I.	62	Youthful offenders
Union C.I.	96	Male over 50
Hernando CI	181	Female
<i><b>Total Dormitories</b></i>	<b>1357</b>	
<i><b>Prisons</b></i>		
Lawtey C.I.	835	Male
Wakulla C.I.	1,711	Male
Wakulla Annex	1532	Male
<i><b>Total Prison</b></i>	<b>4078</b>	
<b>TOTAL CAPACITY</b>	<b>5435</b>	

OPPAGA’s 2009 review of faith and character-based programs found that institution-wide programs had a positive effect on inmate institutional adjustment and security, and a positive but modest effect on reducing recidivism. Dormitory-based programs also had a positive effect on institutional adjustment and security, but had no effect on recidivism.<sup>8</sup>

### **Identification Cards and Social Security Cards**

One of the challenges facing inmates when they reenter society is a lack of proper identification. Inmates are issued an identification card during the reception process and are required to display it at all times while incarcerated. This serves the department’s need to account for each inmate while incarcerated, and the inmate may retain the identification card for use when released from prison. However, the inmate identification card has limited usefulness outside the prison setting, carries an inherent stigma, and is not always accepted as identification. Any other identification card that the inmate had when incarcerated, such as a driver’s license or social security card, is returned to them upon release. However, many inmates do not bring identification with them when they enter prison, and identification left with someone else is often either lost or expired by

<sup>6</sup> Section 13, Chapter 2001-110, Laws of Florida.

<sup>7</sup> “Faith- and Character-Based Residential Programs,” <http://www.dc.state.fl.us/oth/faith/index.html> (last visited on April 2, 2013).

<sup>8</sup> OPPAGA Report No. 09-38 (October 2009), “Faith- and Character-Based Prison Initiative Yields Institutional Benefits; Effect on Recidivism Modest,” pp. 3-6.

the time they are released. Without proper identification and documentation upon release, inmates may be unable to acquire public assistance, legitimate transportation or employment, and housing.<sup>9</sup>

Section 322.051, F.S., provides for issuance of an official state identification card by the DHSMV. Issuance of a state identification card requires presentation of documentation that is sufficient to prove the applicant's identity in accordance with the state statute and the federal REAL ID Act. Many released inmates do not have this required documentation, and very few have it available while they are incarcerated.

The department reports that it works in cooperation with DHSMV and the Department of Health's Bureau of Vital Statistics to obtain identification cards for inmates prior to release.<sup>10</sup> The department obtains birth certificates from the DOH and works with DHSMV for dispatch of the FLOWmobile (Florida Licensing On Wheels vehicle) to department facilities. In 2011 and 2012, a total of 30 visits were made, with 1100 identification cards issued to inmates.<sup>11</sup>

In addition to its efforts to obtain identification cards, the department has a Memorandum of Understanding with the Social Security Administration to expedite the process for inmates to obtain replacement Social Security cards.<sup>12</sup>

The inmate must pay \$9 to obtain a Florida birth certificate and \$25 to obtain an identification card. The cost and difficulty of obtaining an out-of-state birth certificate varies from state to state.

### **III. Effect of Proposed Changes:**

#### **Identification Cards**

The bill requires the department to provide every Florida-born inmate with a certified copy of their birth certificate and a state identification card before release from prison. To obtain a birth certificate, the department must submit a photo and specified personal information of all Florida-born inmates in its custody to DOH. An inmate's failure to cooperate in providing the required information may result in disciplinary action. The department is also required to assist all inmates with obtaining a social security card before release if needed.

The bill requires the department to assist inmates born outside of Florida with completing forms needed to apply for a social security card, drivers license, or state identification card. The department must also provide the inmate with the address of the appropriate agency near his or her expected release address where an identification card can be obtained.

The bill amends s. 382.0255, F.S, to require DOH to waive all fees for an inmate to acquire a certified copy of his or her birth certification through the new process created in the bill. It also

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<sup>9</sup> See Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Department of Corrections Should Maximize Use of Best Practice in Inmate Rehabilitation Efforts*, Report No. 09-44 (December 2009), pages 5-6.

<sup>10</sup> Department of Corrections Analysis of Senate Bill 1032 (2013), p. 9.

<sup>11</sup> House of Representatives Staff Analysis of PCB JDC 13-01 (now HB 7121), p. 3.

<sup>12</sup> Department of Corrections Analysis of Senate Bill 2616 (2009), p. 3.

amends s. 322.051, F.S., to require DHSMV to issue a state identification for no charge to an inmate who obtains the card through the new process created in the bill.

The department is not required to provide a birth certificate and state identification card to an inmate who:

- Already has a valid driver license or state identification card;
- Has an active detainer, unless cancellation of the detainer is likely or if the incarceration for which the detainer was issued will be for less than twelve months;
- Is released due to emergency release or conditional medical release;
- Is not in the department's physical custody at or within 180 days before release; or
- Is subject to sex offender residency restrictions and does not have a qualifying address.

The bill requires the department to make an annual report that identifies the number of inmates who are released with or without identification cards as well as any impediments to implementation of the identification card program, and recommends any needed improvements.

#### **Faith and Character-Based Programs**

The bill amends s. 944.803, F.S., to encourage the department to maintain faith and character-based institutions to serve both male and female inmates. Currently there are no faith and character based institutions for females. It also requires peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, to be offered at faith and character-based institutions.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill does not appear to have any fiscal impact on the private sector except to the extent that any private service providers are selected by the department and benefit from funds received for their services.

**C. Government Sector Impact:**

The bill may have a significant fiscal impact upon selected state revenues.

It does not appear the bill would require the Department of Health, the Department of Highway Safety and Motor Vehicles, or the judicial system to incur additional costs. The Department of Corrections would incur an additional cost if it provided access to the Florida Ready to Work Certification Program for all inmates who are within two years of their release date. This cost would be for training and education and the assessment tests, which cost \$12 per inmate. The department indicates that it spent \$24,000 on grant money in Fiscal Year 2011-2012, and that 1187 certificates were earned by inmates.

The bill will have a negative fiscal impact on state revenues due to the waiver of the fee for a state identification card<sup>13</sup> and the waiver of the charge for a certified copy of a Florida birth certificate<sup>14</sup>. DOC estimates that an average of approximately 14,500 Florida-born inmates will be released annually for the next five years. The following table indicates the maximum amount of revenue that could potentially be lost as a result of the waiver of fees for issuing an identification card and a social security card to Florida-born inmates. However, the actual amount of lost revenue is expected to be much less for several reasons, including: (1) many inmates will not receive one or both documents because of the exclusions included in the bill and the logistical difficulties in getting inmates to a DHSMV facility or having an on-site FLOWmobile visit; (2) many inmates would not have obtained either or both documents on their own initiative either before or after release, so the agencies would not have otherwise received fees from those inmates; and (3) many inmates who receive a state identification card will obtain a driver's license after release, so the agencies will still receive fees from them.

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<sup>13</sup> Section 322.21(f), F.S., directs that the \$25 fee for issuing a state identification card goes to the General Revenue Fund. For renewals, \$6 of the fee goes to the Highway Safety Operating Trust Fund and \$19 to the General Revenue Fund.

<sup>14</sup> Section 382.0255(4), F.S., provides that fees charged for issuing a copy of a birth certificate are deposited into a DOH trust fund.

<b>Maximum Revenue Loss for Issue of Birth Certificates and Identification Cards to all Florida-born Inmates at No Cost (Assumes Issue to Every Released Inmate)</b>			
<b>Fiscal Year</b>	<b>Florida –born inmate releases (based on CJEC projections)</b>	<b>Maximum lost revenue for issue of birth certificates (\$9)*</b>	<b>Maximum lost revenue for issue of identification cards (\$25)*</b>
<b>2013-2014</b>	14,821	\$133,389	\$370,525
<b>2014-2015</b>	14,604	\$131,436	\$365,100
<b>2015-2016</b>	14,646	\$131,814	\$366,150
<b>2016-2017</b>	14,754	\$132,786	\$368,850
<b>2017-2018</b>	14,945	\$134,586	\$373,625
* These amounts are based upon issue to every Florida-born inmate. As noted above, the actual amount of lost revenue is expected to be significantly less.			

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal and Civil Justice Appropriations on April 11, 2013:**

- Deletes the provisions related to the reentry program sentence.
- Deletes the provisions requiring every inmate within two years of his or her projected release date to have access to skills assessment and training to complete a certificate program.
- Requires the Department of Corrections to annually report the number of inmates released with and without identification cards, identify impediments to this provision and provide recommendations to improve obtaining inmate release documents and identification cards.

**CS by Criminal Justice on April 1, 2013:**

- Requires the department to provide every Florida-born inmate with a state identification card and a certified copy of his or her birth certificate, with some exceptions.
- Requires the department to provide every inmate who is within two years of release access to the Florida Ready to Work Certification Program.
- Requires the department to use peer-to-peer programs at faith and character based institutions.

- Deletes provisions relating to the creation of Correctional Reentry Treatment Facilities.
- Creates a conditional split sentence of incarceration with reentry programming followed by drug offender probation for certain non-violent third degree felons who are determined by the court to have substance abuse issues.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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