

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 Committee on Appropriations

BILL: SB 7018

INTRODUCER: Criminal Justice Committee

SUBJECT: Inmate Welfare Trust Fund

DATE: March 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u> <u>Atchley</u>	<u>Stokes</u> <u>Sadberry</u>	<u>AP</u>	CJ Submitted as Comm. Bill/Fav Pre-meeting

I. Summary:

SB 7018 amends s. 945.215, F.S., adding additional funding sources from which all such proceeds must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or the General Revenue Fund. These additional funding sources include:

- Copayments made by inmates for nonemergency visits to a health care provider;¹
- Any proceeds obtained through the collection of damages;² and
- Cost of incarceration liens.³

Additionally, the bill increases the maximum amount of funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund from \$2.5 million to \$32 million.

The bill also authorizes the Department of Corrections (DOC) to expend funds from the Trust Fund to be used at correctional facilities to include fixed capital outlays for educational facilities.

The bill amends s. 945.6037, F.S., to state that the proceeds of each copayment must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or into the General Revenue Fund.

The bill reenacts 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.

The bill will have a fiscal impact of \$29.5 million in recurring funds from the General Revenue Fund. See Section V. Fiscal Impact Statement.

¹ Section 945.6037, F.S.

² Section 960.293(2), F.S.

³ Section 960.292(2), F.S.

The bill takes effect July 1, 2023.

II. Present Situation:

State-Operated Institutions Inmate Welfare Trust Fund

In 2020, the Legislature created the Trust Fund to benefit and provide for the welfare of inmates incarcerated in state-operated correctional facilities.⁴ Certain proceeds from specified revenue streams or donations related to inmates in the DOC are deposited into the Trust Fund; however, such deposits may not exceed a total of \$2.5 million in any fiscal year.⁵ Any funds collected in excess of \$2.5 million are deposited into the General Revenue Fund.

Funds from the following sources must be deposited into the Trust Fund, if deposits do not exceed \$2.5 million in any fiscal year:

- Proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities;⁶
- Proceeds from contracted telephone commissions;⁷
- Any funds that may be assigned by inmates or donated to the DOC by the general public or an inmate service organization;⁸ and
- All proceeds from the following services:
 - The confiscation and liquidation of any contraband found upon, or in the possession of, any inmate;
 - Disciplinary fines imposed against inmates;
 - Forfeitures of inmate earnings; and
 - Unexpended balances in individual inmate trust fund accounts of less than \$1.⁹

Proceeds from the above-listed sources total approximately \$35 million per year, and all but \$2.5 million is deposited into the General Revenue Fund.¹⁰

Funds in the Trust Fund may only be used to provide for or to operate specified programming at correctional facilities operated by the DOC, which includes:

- Literacy programs, vocational training programs, and educational programs;
- Inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;
- Inmates substance abuse treatment programs and transition and life skills training programs;
- The purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates;
- The purchase, rental, maintenance, or repair of recreation and wellness equipment; and

⁴ Chapter 2020-97, L.O.F.

⁵ Section 945.215(2)(b), F.S.

⁶ Section 945.72(1)(a), F.S. Funds necessary to purchase items for resale at inmate canteens and vending machines are required to be deposited into local bank accounts designated by the DOC.

⁷ Section 945.215(1)(b), F.S.

⁸ Section 945.215(1)(c), F.S. However, the DOC may not accept any donation from, or on behalf of, any individual inmate.

⁹ Section 945.215(1)(d), F.S.

¹⁰ Department of Corrections, *2022 Agency Legislative Bill Analysis for SB 636*, p. 2, (Nov. 16, 2021) (on file with the Senate Committee on Criminal Justice).

- 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), F.S.¹¹

Trust Fund monies may only be expended pursuant to a legislative appropriation.¹² As required by the Florida Constitution, the Trust Fund will terminate on July 1, 2024, unless terminated sooner or recreated.¹³ The Legislature must review the Trust Fund before its scheduled termination.

Trust Fund Expenditures

In Fiscal Year 2020-2021, the DOC expended funds from the Trust Fund as follows:¹⁴

Program	Amount
Literacy and Education	\$202,638
Vocational Programs	\$430,977
Chaplaincy	\$63,636
Library Services	\$38,210
Substance Use Treatment	\$244,744
Wellness Programs	\$1,297,808
Work-Release Program Equipment	\$21,987

Literacy and Education

The DOC funded 14 OPS positions to provide support to struggling readers and English Language Learners.¹⁵ The DOC additionally procured the following classroom resources:

- Teacher’s kits including materials to prepare and deliver research-based instruction lessons;
- Skill-based lessons to teach students fundamental reading strategies; and
- Assessment-driven software programs to provide additional instruction on specific skills that inhibit students’ reading success.¹⁶

Vocational Programs

The DOC procured training simulators to prepare inmates for employment in high-demand careers, such as commercial driving and heavy equipment operations.¹⁷

Chaplaincy and Library Services

For chaplaincy services, the DOC upgraded chapel sound systems and procured electronic and audio-visual equipment.¹⁸ For libraries, the DOC enhanced library services by obtaining

¹¹ Section 945.215(2)(c), F.S.

¹² Section 945.215(2)(d), F.S.

¹³ FLA. CONST. art. III, s. 19(f).

¹⁴ Department of Corrections, *State-Operated Institutions Inmate Welfare Trust Fund Report*, (Oct. 1, 2021) (on file with the Senate Committee on Criminal Justice). The DOC remitted \$200,000 for the General Revenue service charge.

¹⁵ *Id* at pg. 1.

¹⁶ *Id* at pg. 2.

¹⁷ *Id*.

¹⁸ *Id*.

literature enhancements to address the aging library collection and World Book Encyclopedia sets.

Substance Use Treatment

The DOC's in-prison substance use treatment programs utilized Trust Fund monies to enhance existing programing for the following substance use programs:

- Residential Therapeutic Community;
- Intensive Outpatient Program; and
- Outpatient programs.¹⁹

Additionally, the DOC procured interactive journals for use in the Administrative Management Unit at the Jefferson Correctional Institution, Short Sentence correctional institutions and units (SSCIs), and re-entry centers statewide.²⁰ The SSCIs also received composition notebooks, electronic and audio-visual equipment for dorms, paint for murals, and computers for inmate use. Supplies to facilitate community model training were also purchased to support Peer-to-Peer program dorms statewide, as well as SSCIs.²¹

Wellness Programs

To support the 34 wellness education specialist positions appropriated during the 2020 Session, funds from the Trust Fund were utilized to equip wellness programs statewide, including:

- Building materials to repair and enhance recreation pavilions, running/walking tracks, and recreations fields;
- Wellness education material and equipment/furniture for wellness education programs;
- An OPS statewide wellness coordinator position to oversee newly established wellness education programs statewide;
- Board games, such as checkers, chess, and scrabble, for recreation and to be used during family visitation; and
- Recreation and sports equipment.²²

Work-Release Program Equipment

The DOC purchased gender-appropriate bicycles in various sizes for inmates traveling to and from work-release employment.²³

Nonemergency Health Care – Inmate Copayments

Section 945.6037, F.S., provides that for each nonemergency visit by an inmate to a health care provider initiated by the inmate, the inmate must make a copayment of \$5. The copayment for an inmate's health care must be deducted from any existing balance in the inmate's bank account.²⁴

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at pgs. 2-3.

²³ *Id.* at pg. 3.

²⁴ Section 945.6037(1)(a), F.S.

Existing law requires that the proceeds of each copayment must be deposited in the General Revenue Fund.²⁵

III. Effect of Proposed Changes:

The bill amends s. 945.215, F.S., adding additional funding sources from which all such proceeds must be deposited into the State-Operated Institutions Inmate Welfare Trust Fund or the General Revenue Fund. These additional funding sources include:

- Copayments made by inmates for nonemergency visits to a health care provider;²⁶
 - For each nonemergency visit by an inmate to a health care provider that is initiated by the inmate, he or she must pay a copayment of \$5.²⁷
- Any proceeds obtained through the collection of damages;²⁸ and
 - Upon conviction, a convicted offender is liable to the state and its local subdivisions for damages and losses for incarceration and other correctional costs.²⁹
- Cost of incarceration liens.³⁰
 - Upon motion by the state or upon petition of the local subdivision, crime victim, or aggrieved party, or on its own motion, the court in which the convicted offender is convicted shall enter civil restitution lien orders in favor of crime victims, the state, its local subdivisions, and other aggrieved parties.³¹

Additionally, the bill increases the maximum amount of funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund from \$2.5 million to \$32 million.

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The bill takes effect July 1, 2023.

²⁵ Section 945.6037(1)(c), F.S.

²⁶ Section 945.6037, F.S.

²⁷ *Id.*

²⁸ Section 960.293(2), F.S.

²⁹ Section 960.293(2)(a)-(b), F.S., states if the conviction is for a capital or life felony, the offender is liable for incarceration costs and other correctional costs in the liquidated damage amount of \$250,000. If the conviction is for an offense other than a capital or life felony, a liquidated damage amount of \$50 per day of the convicted offender's sentence shall be assessed against the convicted offender and in favor of the state or its local subdivisions. Damages shall be based upon the length of the sentence imposed by the court at the time of sentencing.

³⁰ Section 960.292(2), F.S.

³¹ *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill increases the amount of revenue retained in the State-Operated Institutions Inmate Welfare Trust Fund from \$2.5 million per fiscal year to \$32 million per fiscal year. This is revenue that, under current law, would be deposited into the General Revenue Fund. As a result, the bill creates a yearly negative recurring fiscal impact to the General Revenue Fund of \$29.5 million.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 945.215 and 945.6037.

This bill reenacts the following sections of the Florida Statutes: 944.516, 944.73, and 946.002.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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