

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 800

SPONSOR: Criminal Justice Committee and Senator Brown-Waite

SUBJECT: County Reimbursement for Violations Trust Fund

DATE: April 18, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	
2.			CA	
3.			FP	
4.				
5.				

## I. Summary:

The bill creates the County Reimbursement for Supervision Violations Trust Fund within the Department of Revenue. The trust fund shall be used to reimburse counties for the cost of incarcerating a felony offender who has violated the terms and conditions of his or her release or supervision. The reimbursement shall be for the entire period of a violator's incarceration in a county jail. The trust fund will be funded from money currently collected by the Department of Corrections from offenders who are currently required to reimburse the department for a portion of their supervision costs.

The bill requires the Department of Corrections to deduct \$5.00 each month from the amount collected from each offender who is required to pay the department for his or her supervision costs. The \$5-per-month deduction, which is not an additional charge to the offender, will be placed into the newly created trust fund. The Department of Revenue will distribute the funds to the counties annually, on October 1, based on the documentation submitted by the counties requesting reimbursement. The bill gives the Department of Revenue rule-making authority to establish a reimbursement payment scale, and it also declares that no more than \$15.00 per day per offender per county shall be distributed.

This bill substantially amends the following section of the Florida Statutes: 948.09.

## II. Present Situation:

Section 948.09, F.S., requires offenders who are placed on probation or parole, or who are placed into various release or pretrial intervention programs, to pay the Department of Corrections for the costs of their supervision. Offenders pay the department an amount each month for supervision, which is ordered by the sentencing court, and may be based on the length of the supervision sentence, the date the offender is placed in supervision, other costs or restitution imposed and the offender's ability to pay. The amount ordered is within the court's discretion. This set amount generally does not cover the entire cost of supervision services, which can vary

based on the type of supervision the offender is receiving. The statute also requires offenders to pay an additional \$2-per-month surcharge to the department to be used by the department to pay for correctional probation officers' training and equipment, including firearm training, firearms, and radios. According to the department, over \$25 million in cost of supervision payments was collected from offenders during FY 1998-99.

Currently, counties which house state-supervised offenders who have violated their supervision or release do not receive any type of compensation or reimbursement from the state. According to figures supplied by the Department of Corrections Bureau of Research and Data Analysis, the daily statewide average county jail detainee population consisting of felony probation violators (technical violations) was 7.2 percent of the total population.

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

Section 1 of the bill creates a trust fund which will be used to provide a monetary reimbursement to counties for housing felony offenders who have violated their supervision or release. The trust fund will be used to reimburse counties for both pre-disposition and post-disposition incarceration. The trust fund will be funded from offender cost of supervision payments currently collected by the Department of Corrections.

The Department of Revenue will administer the trust fund. The department is required to invest the trust fund and, pursuant to s. 215.20, F.S., the trust fund will be subject to the authorized 7 percent surcharge.

The bill requires the Department of Corrections to deduct \$5.00 each month from the amount it collects from each offender who is required to reimburse the department for supervision costs. The bill makes clear that the \$5 deduction is not an additional charge to the offender. The \$5-per-month deduction is to be placed into the County Reimbursement for Supervision Violations Trust Fund.

Under the bill, the Department of Corrections, in conjunction with the Department of Revenue and the Comptroller, will develop a uniform affidavit and required attachments which will be used by the counties when they apply for reimbursement from the trust fund. The affidavit and its required attachments are to be developed no later than September 1, 2000. The bill requires the counties to complete such documentation on a monthly basis and submit it to the Department of Corrections for review. After reviewing the documentation, the Department of Corrections shall submit it to the Department of Revenue.

The bill requires the Department of Revenue to distribute the reimbursement payments to the counties annually on October 1 of each year. It also requires the Department of Revenue to adopt rules necessary to establish a reimbursement payment scale, with a maximum reimbursement of no more than \$15.00 per day per offender per county. The bill clarifies that the reimbursement shall be for the entire period of a violator's incarceration in a county jail, including both pre-disposition and post-disposition incarceration stay.

The bill also establishes a procedure for managing the trust fund if the situation arises in which there are not sufficient funds available in the trust fund to cover each of the reimbursement

requests in full. In such a situation, the Department of Revenue will distribute the funds on a pro-rata basis which will pay all the counties the same per diem for each day for each felony offender housed who has violated his or her supervision.

The bill provides that the trust fund shall be terminated on July 1, 2004, unless terminated sooner. The bill provides that the trust fund shall be reviewed prior to termination pursuant to ss. 215.3206(1) and 215.3206(2), F.S. Pursuant to Article III, Section 19 of the Florida Constitution, the bill must receive at least a three-fifths vote of the membership of each house of the Legislature in order to pass.

Section 2 of the bill provides a July 1, 2000, effective date.

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

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

None.

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

None.

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

None.

#### **V. Economic Impact and Fiscal Note:**

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

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

This bill will provide monies to counties which house state-supervised offenders who have violated the terms and conditions of their release or supervision. The amount of money received by the counties will be dependent upon the number of offenders they are housing.

Providing reimbursement to counties of up to \$15.00 per day per inmate will not cover the average cost the county pays to house the offender, but it will help to offset such costs. The Florida Sheriff's Association reports that the cost of housing an offender per day in county

jails varies between counties. The cost can be as high as \$80 per day and as low as \$30 per day.

The Department of Corrections estimates that the bill would reduce general revenue by approximately \$2.1 million. The department also reports that additional FTE's may be needed to process the paperwork associated with the Fund, verify the county records, and monitor the Trust Fund.

The Florida Association of Counties estimates approximately \$21 million was spent by the counties to house probation and parole violators during the 1999 calendar year. The Association has not gathered complete data, as some counties did not keep records which would allow for reporting the information requested by the Association. Although the Association instructed the counties not to include any offenders other than technical violators among those counted, the Association has not verified that the counties provided the data as requested.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The intent of the bill appears to be that counties should be reimbursed for the cost of housing state probation and parole violators in the county jails. In some cases, however, inmates are detained for new law violations simultaneous with violations of supervision. The counties should be required to accurately report only those detainees who are being held on supervision violations.

**VIII. Amendments:**

None.