

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: CS/CS/SB 274

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Criminal Justice Committee; and Senators Simmons and Margolis

SUBJECT: Inmate Reentry

DATE: March 31, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
3.	<u>Carey</u>	<u>Martin</u>	<u>ATD</u>	<u>Fav/CS</u>
4.	<u>Carey</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 274 requires the Department of Corrections (DOC) 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, a replacement identification card or replacement drivers license, and a certified copy of their birth certificate, at no cost to the inmate. The DHSMV is authorized to issue a temporary permit, valid for up to 6 months, to those inmates whose replacement identification card or replacement driver license is within 6 months of expiration.

An appropriation of \$465,058 is provided to the DHSMV for Fiscal Year 2014-2015, from the Highway Safety Operating Trust Fund, for expenditures related to the increased issuance of original or replacement state identification or licensing credentials to Florida-born inmates.

In the area of faith and character-based programs, the bill encourages DOC 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 Revenue Impact Conference reviewed the bill on February 7, 2014, and adopted a negative cash impact of \$232,655 in Fiscal Year 2014-2015 and a negative recurring impact of \$465,310. The DOH likely will incur insignificant costs related to the increased issuance of birth certificates.

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, while 24.6 percent of the inmates admitted to prison during Fiscal Year 2011-2012 had been convicted of a drug crime,¹ almost two-thirds of inmates who enter prison for any crime also have a substance abuse problem.²

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 DOC revised its mission statement to include assisting offenders with reentry into society in order to reduce recidivism and to lower crime rates. The goal was to bring down the three-year post-release recidivism rate from 32 percent to 20 percent by 2012. The DOC reports that the three-year post-release recidivism rate for inmates released in 2009 was 27 percent.³

Faith-and Character-based Programs

In 1999, the DOC opened its first faith-based dormitory in cooperation with Kairos Horizon at Tomoka Correctional Institution. Several other faith-based dormitories were opened around the state beginning in 2000. In 2001, the Legislature required the DOC to have six additional faith-based dormitory programs fully operational by June 1, 2002.⁴ In 2003, Lawtey Correctional Institution became the first faith-based institution. The DOC currently has faith and character-based programs at 17 institutions:⁵

¹ Fla. Dep't of Corrections, *Inmate Admissions*, http://www.dc.state.fl.us/pub/annual/1112/stats/im_admis.html (last visited December 19, 2013).

² 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.

³ Department of Corrections, "2012 Florida Prison Recidivism Study – Releases from 2004 to 2012," p. 9, <http://www.dc.state.fl.us/pub/recidivism/2012/ratesvertime.html> (last visited on December 19, 2013).

⁴ Section 13, Chapter 2001-110, Laws of Florida.

⁵ "Faith- and Character-Based Residential Programs," <http://www.dc.state.fl.us/oth/faith/index.html> (last visited on December 19, 2013).

Faith and Character-Based Residential Facilities		
Location	Capacity	Gender
<i>Dormitory-based</i>		
Tomoka C.I.	228	Male
Polk C.I.	128	Male
Lowell Annex	86	Female
Gulf – Annex	128	Male
Everglades C.I.	128	Male
Lancaster C.I.	62	Male youthful offenders
Union C.I.	96	Male over 50
NWFRC	144	Male
Jackson CI	112	Male
Columbia Annex	120	Male
Marion CI	130	Male
Desoto CI	143	Male
Okeechobee CI	172	Male
Total Dormitories	1677	
<i>Institution-wide</i>		
Hernando CI	467	Female
Lawtey C.I.	876	Male
Wakulla C.I. & WC	1999	Male
Wakulla Annex	1481	Male
Total Prison	4823	
TOTAL CAPACITY	6500	

The 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.⁶ There are many factors that affect the institution to which an inmate can be assigned, including the need for health services. The DOC notes that operating dormitory-based programs allows it to maintain system-wide flexibility in assigning inmates to institutions.⁷

Section 944.803(6), F.S., requires faith and character-based institutions to allow peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction. The DOC indicates that it actively encourages peer-to-peer programs.⁸

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

⁷ Department of Corrections’ Analysis of Senate Bill 274, pp. 3-4.

⁸ Department of Corrections’ Analysis of Senate Bill 274, p. 4.

Identification Cards and Social Security Cards

Inmates are issued an identification card during the reception process and are required to display it at all times while incarcerated. This serves the DOC's need to account for each inmate while incarcerated. The inmate may retain the identification card for use when released from prison, but it has limited usefulness outside the prison setting. The inmate identification card 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 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.⁹

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. The DHSMV is authorized to issue a replacement identification card if a person's card is lost, stolen or destroyed.

Section 322.17, F.S., provides for the issuance of a replacement driver license if the original is lost, stolen or destroyed. A replacement driver license may be issued upon payment of the appropriate fee and providing documentation 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 the documentation required to obtain a state identification card, a replacement state identification card, or a replacement driver license, and very few have it available while they are incarcerated.

The DOC reports that it works in cooperation with the DHSMV and the Department of Health's Bureau of Vital Statistics to obtain identification cards for inmates prior to release.¹⁰ The DOC obtains birth certificates from the DOH and works with the DHSMV for dispatch of a FLOWmobile ("Florida Licensing on Wheels" vehicle) to department facilities so that inmates may be issued an identification card, thereby making for a smooth societal reentry. Currently, the program has resulted in issuance of 2480 identification cards to inmates since it began in January 2011.¹¹

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

The fee for a Florida original or replacement identification card is \$25, the fee for a Florida replacement driver license is also \$25, and the fee for a Florida birth certificate is \$9. Included in the birth certificate fee is a \$4 surcharge of which \$1.50 is transferred quarterly to the Department of

⁹ 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.

¹⁰ Department of Corrections Analysis of Senate Bill 1032 (2013), p. 9.

¹¹ Department of Highway Safety and Motor Vehicles Analysis of Senate Bill 274, p. 2.

¹² Department of Corrections' Analysis of Senate Bill 274, pp. 3.

Children and Families' (DCF) Child Welfare Trust Fund.¹³ The cost and difficulty of obtaining an out-of-state birth certificate varies from state to state; the cost ranges from \$5 in some states to \$30 in Connecticut and New York.

III. Effect of Proposed Changes:

Identification Cards

The bill requires the DOC 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 DOC must submit a photo and specified personal information of all Florida-born inmates in its custody to the DOH. The DOC is also required to assist all inmates with obtaining a social security card before release, if needed.

Under the bill, the DOC would be required to assist inmates born outside of Florida with completing forms needed to apply for a social security card, driver license, or state identification card. The DOC 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 the DOH to waive all fees for a Florida-born inmate to acquire a certified copy of his or her birth certification through the new process created in the bill. It also amends ss. 322.051, and 322.17, F.S., to require the DHSMV to issue an original state identification card or a replacement state identification card or replacement driver license, if a valid card exists, for no charge to a Florida-born inmate who obtains the card through the new process created in the bill. A replacement state identification card or replacement driver license will only be issued when the DOC has determined the inmate has a valid state identification card or valid Florida driver license (not expired) which has been lost, stolen or destroyed. The bill authorizes the DHSMV to issue a temporary permit, valid for up to 6 months, to those inmates whose replacement identification card or replacement driver license is within 6 months of expiration.

The DOC is not required to provide a birth certificate and state identification card to a Florida-born 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 DOC'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 DOC to make an annual report providing the number of inmates who were released with or without identification cards during the previous year, identifying any impediments to implementation of the identification card program, and recommending any needed improvements in obtaining release documents and identification cards for all inmates.

¹³ Sections 382.0255(2) and 402.40, Florida Statutes.

Faith and Character-Based Programs

The bill amends s. 944.803, F.S., to encourage the DOC to maintain faith and character-based institutions to serve both male and female inmates. Currently, three faith and character-based institutions exist for males; one exists for females. The bill also requires faith and character-based institutions to offer peer-to-peer programs such as Alcoholics Anonymous and literacy instruction.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

CS/CS/SB 274 eliminates fees for an original state identification card or a replacement card for a valid state identification card or replacement driver license, that has been lost, stolen or destroyed, and birth certificate for Florida-born inmates leaving prison.

B. Private Sector Impact:

The bill does not appear to have any fiscal impact on the private sector.

C. Government Sector Impact:

Revenues:

The Revenue Impact Conference reviewed the bill on February 7, 2014, and adopted a negative cash impact of \$232,655 in Fiscal Year 2014-2015 and a negative recurring impact of \$465,310 due to the waiver of the fee for a state identification card¹⁴ and the waiver of the charge for a certified copy of a Florida birth certificate.¹⁵ The EDR estimate

¹⁴ Section 322.21(f), F.S., directs that the \$25 fee for issuing a state identification card is deposited in the General Revenue Fund. For renewals, \$6 of the fee is deposited in the Highway Safety Operating Trust Fund and \$19 in the General Revenue Fund. For replacements, \$9 of the fee is deposited in the Highway Safety Operating Trust Fund and \$16 in the General Revenue Fund.

¹⁵ Section 382.0255(4), F.S., provides that the \$9.00 fee charged for issuing a copy of a birth certificate be deposited in the DOH Planning and Evaluation Trust Fund.

is based on an update to the forecast of House Bill 7121, containing the same provisions, which was heard by the Revenue Impact Conference on April 5, 2013.

The November 20, 2013, Criminal Justice Estimating Conference forecast that the DOC will release 33,117 inmates during Fiscal Year 2014-2015. The DOC estimates that 58 percent of the inmates released over the next 5 years will be Florida-born inmates eligible for the fee waiver. This population is reduced by 5 percent to account for sex-offenders who are ineligible to receive the fee waiver for a state identification card or birth certificate.

Florida-born Inmates Eligible for Fee Waiver on Identification Cards and Birth Certificates				
	FY 14-15	FY 15-16	FY 16-17	FY 17-18
CJEC Forecast Inmate Releases	33,117	33,370	33,336	33,336
Number Eligible for Fee Waiver	18,247	18,387	18,368	18,18,510

The DOC estimates that 18,247 Florida-born inmates are expected to be eligible annually for the fee waiver for a state identification card or birth certificate, resulting in a revenue loss for the affected agencies. However, absent the provisions of the bill, it is unlikely that all eligible inmates would have paid to obtain a birth certificate and/or a state identification card, replacement state identification card or replacement driver license. Accordingly the affected agencies or funds would not have received fees for a state identification card, replacement state identification card, replacement driver license or birth certificate for those inmates either before or after release. Consequently, the number of released inmates has been reduced by 25 percent to determine the state revenue impact of the bill.

Potential Fiscal Impact of Waiving Fee for Identification Cards and Birth Certificates for Florida-born Inmates¹⁶				
	FY 14-15	FY 15-16	FY 16-17	FY 17-18
General Revenue Fund	(\$311,089)	(\$311,788)	(\$311,470)	(\$313,881)
Highway Safety Operating Trust Fund (DHSMV)	(\$40,906)	(\$21,932)	(\$21,910)	(\$22,079)
Planning and Evaluation Trust Fund (DOH)	(\$113,317)	(\$114,182)	(\$114,066)	(\$114,949)
TOTAL STATE REVENUE IMPACT	(\$465,310)	(\$447,902)	(\$447,446)	(\$450,909)
Local Government Impact - Tax Collectors	-	(\$20,963)	(\$20,942)	(\$21,104)

Expenditures:

According to the DHSMV, the current fleet of five FLOWmobiles and crews process 2,000 to 2,500 inmates annually. To meet the requirements of the bill, the DHSMV estimates it will issue approximately 18,000 identification cards to Florida-born inmates and will need to equip two additional FLOWmobiles with the primary responsibility of issuing state identification cards, replacement state identification cards, and replacement driver licenses at DOC facilities. The DHSMV estimates that the cost to purchase, equip and operate the two additional FLOWmobiles is \$465,058, which includes:

- Acquisition of Motor Vehicles - \$231,286,
- Operation of Motor Vehicles and Travel- \$221,276, and
- Other Capital Outlay - \$12,496.

The DHSMV has sufficient budget authority in the Purchase of Drivers Licenses and Salary and Benefits appropriation categories to purchase the necessary equipment to issue credentials and hire 4 FTE to staff the two additional FLOWmobiles.

The actual costs to the DOH to produce a birth certificate is \$0.62, which includes the cost of paper, printing and postage. The projected expenditures of \$11,314 and associated labor costs will be absorbed within existing resources by the DOH.

VI. Technical Deficiencies:

None.

¹⁶ Draft Revenue Estimating Conference Analysis dated February 4, 2014 prepared for CS/SB 274 by the Office of Economic and Demographic Research on file with the Appropriations Subcommittee on Transportation, Tourism and Economic Development.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.17, 382.0255, 944.605, and 944.803.

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

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

CS/CS by Appropriations on March 27, 2014:

The committee substitute:

- Deleted from the bill a provision which allowed disciplinary action when an inmate fails to provide the DOC with the information needed to obtain a birth certificate.
- Provides for the issuance of a replacement state identification card or replacement driver license, rather than an original state identification card, when the DOC determines that the inmate has a valid state identification card or valid Florida driver license which has been lost, stolen or destroyed.
- Authorizes the DHSMV to issue a temporary permit, valid for up to 6 months, when a replacement identification card or replacement driver license issued is within 6 months of expiration.
- Provides an appropriation to the DHSMV for Fiscal Year 2014-2015 for expenditures related to the issuance of state identification cards, replacement state identification cards or replacement driver licenses to Florida-born inmates prior to their release.

CS by Criminal Justice on December 9, 2013:

The CS includes numerous changes in style and organization. However, it is substantively the same as the bill.

B. Amendments:

None.