

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 Criminal Justice

BILL: CS/SB 274

INTRODUCER: Criminal Justice Committee, Senator Simmons and Others

SUBJECT: Inmate Reentry

DATE: January 9, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Fav/CS
2.	Everette	Eichin	TR	Favorable
3.			ATD	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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 and a certified copy of their birth certificate at no cost to the inmate.

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.

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 crime¹ and 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, 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. 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, 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 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. DOC currently has faith and character-based programs at 17 institutions:⁵

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

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).

Lawtey C.I.	876	Male
Wakulla C.I. & WC	1999	Male
Wakulla Annex	1481	Male
Total Prison	4823	
TOTAL CAPACITY	6500	

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. DOC notes that operating dormitory-based programs allows it to maintain system-wide flexibility in assigning inmates to institutions.⁷

Section 948.803(6), F.S., requires faith and character-based institutions to allow peer-to-peer programming programs, such as Alcoholics Anonymous and literacy instruction. DOC indicates that it actively encourages peer-to-peer programming.⁸

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 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 ID 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. Many released inmates do not have this required documentation, and very few have it available while they are incarcerated.

DOC 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.¹⁰ DOC obtains birth

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.

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.

certificates from the DOH and works with DHSMV for dispatch of the FLOWmobile (“Florida Licensing On Wheels” vehicle) to department facilities so that inmates are ID prepared and 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, 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 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, ranging from \$5 in some states to \$30 in Connecticut and New York.

III. Effect of Proposed Changes:

Identification Cards

The bill requires 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, DOC 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 photograph and the required information may result in disciplinary action. DOC is also required to assist all inmates with obtaining a social security card before release if needed.

The bill requires DOC to assist inmates born outside of Florida with completing forms needed to apply for a social security card, driver license, or state identification card. 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 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 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.

DOC 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 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.

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.

The bill requires 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.

Faith and Character-Based Programs

The bill amends s. 944.803, F.S., to encourage DOC to maintain faith and character-based institutions to serve both male and female inmates. There are currently three faith and character based institutions for males and one 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:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

The bill would have an indeterminate negative fiscal impact on state revenues due to the waiver of the fee for a state identification card¹³ and the waiver of the charge for a certified copy of a Florida birth certificate.¹⁴ DHSMV estimates the following potential fiscal impact based upon issuance of a license or identification card to every released Florida-born inmate and ten percent of released inmates who were born out of state.

¹³ 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.

¹⁴ 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.

Potential Fiscal Impact of Waiving Fee for ID Cards (Loss of Revenue by Fund)				
	FY 14-15	FY 15-16	FY 16-17	FY 17-18
Inmates	21, 104	21, 368	21, 533	21, 628
General Revenue	(455,752)	(461,453)	(465,017)	(467,068)
Highway Safety Operating Trust Fund	(71,848)	(18,645)	(18,789)	(18,872)
Tax Collector		(54,102)	(54,519)	(54,760)

The Department of Corrections reports that approximately 12,600 inmates who were born out of state are released each year. With the cost of out of state birth certificates, DOC estimates that it would cost approximately \$378,000 to provide birth certificates to all releasees who were born out of state.¹⁵ Based upon approximately 20,000 Florida-born inmates being released each year, waiver of the \$9 fee for a birth certificate would result in loss of an annual reduction of \$180,000 in revenues to the Department of Health.

It should be noted that the estimates given for potential lost revenues and costs are the highest possible. The actual amount of lost revenue is expected to be much less for several reasons, including:

- 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;
- 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
- 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.

In addition to the above costs, DHSMV indicates that its fleet of five FLOWmobiles and crews is not sufficient to process approximately 21,000 identification cards for inmates. It indicates that it could currently process 2000 to 2500 inmates annually, with some growth possible due to increased efficiencies on the part of both DHSMV and DOC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁵ Department of Corrections’ Analysis of Senate Bill 274, p. 5.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statute: 322.051, 382.0255, 944.605, 944.803:

IX. 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 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.