

**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.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 636

INTRODUCER: Senators Perry and Brandes

SUBJECT: State-Operated Institutions Inmate Welfare Trust Fund

DATE: January 10, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples	Jones	CJ	<b>Pre-meeting</b>
2.			ACJ	
3.			AP	

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**I. Summary:**

SB 636 amends s. 945.215, F.S., to increase the amount of funds generated from certain inmate purchases, commissions, and donations that is deposited into the State-Operated Institutions Inmate Welfare Trust Fund (Trust Fund) from \$2.5 million to \$30 million. Current law requires any funds collected from these sources in excess of \$2.5 million to be deposited into the General Revenue Fund.

The bill also authorizes the Department of Corrections (DOC) to expend funds from the Trust Fund on environmental health upgrades to its facilities, including fixed capital outlay repairs and maintenance, subject to legislative appropriation.

The bill may have a significant, negative impact on the General Revenue Fund, to the extent that these funds will be diverted from the General Revenue Fund to the Trust Fund. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

**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.<sup>1</sup> 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.<sup>2</sup> Any funds collected in excess of \$2.5 million are deposited into the General Revenue Fund.

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<sup>1</sup> Ch. 2020-97, Laws of Fla.

<sup>2</sup> Section 945.215(2)(b), F.S.

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;<sup>3</sup>
- Proceeds from contracted telephone commissions;<sup>4</sup>
- Any funds that may be assigned by inmates or donated to the DOC by the general public or an inmate service organization;<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup>

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
- 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.<sup>8</sup>

Trust Fund monies may only be expended pursuant to a legislative appropriation.<sup>9</sup> As required by the Florida Constitution, the Trust Fund will terminate on July 1, 2024, unless terminated sooner or recreated.<sup>10</sup> The Legislature must review the Trust Fund before its scheduled termination.

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<sup>3</sup> 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.

<sup>4</sup> Section 945.215(1)(b), F.S.

<sup>5</sup> Section 945.215(1)(c), F.S. However, the DOC may not accept any donation from, or on behalf of, any individual inmate.

<sup>6</sup> Section 945.215(1)(d), F.S.

<sup>7</sup> 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).

<sup>8</sup> Section 945.215(2)(c), F.S.

<sup>9</sup> Section 945.215(2)(d), F.S.

<sup>10</sup> FLA. CONST. art. III, s. 19(f).

## Trust Fund Expenditures

In Fiscal Year 2020-2021, the DOC expended funds from the Trust Fund as follows:<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup>

### *Vocational Programs*

The DOC procured training simulators to prepare inmates for employment in high-demand careers, such as commercial driving and heavy equipment operations.<sup>14</sup>

### *Chaplaincy and Library Services*

For chaplaincy services, the DOC upgraded chapel sound systems and procured electronic and audio-visual equipment.<sup>15</sup> For libraries, the DOC enhanced library services by obtaining 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.<sup>16</sup>

<sup>11</sup> 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.

<sup>12</sup> *Id.* at pg. 1.

<sup>13</sup> *Id.* at pg. 2.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

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.<sup>17</sup> 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.<sup>18</sup>

### ***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.<sup>19</sup>

### ***Work-Release Program Equipment***

The DOC purchased gender-appropriate bicycles in various sizes for inmates traveling to and from work-release employment.<sup>20</sup>

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

The bill amends s. 945.215, F.S., to increase the amount of funds generated from certain inmate purchases, commissions, and donations that is deposited into the Trust Fund from \$2.5 million to \$30 million. Current law requires any funds in excess of \$2.5 million to be deposited into the General Revenue Fund.

The bill also authorizes the DOC to expend funds from the Trust Fund on environmental health upgrades to its facilities, including fixed capital outlay repairs and maintenance, subject to legislative appropriation.

The bill takes effect July 1, 2022.

## **IV. Constitutional Issues:**

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

None.

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at pgs. 2-3.

<sup>20</sup> *Id.* at pg. 3.

**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 funds that may be redirected from the General Revenue Fund to the State-Operated Institutions Inmate Welfare Trust Fund from \$2.5 million in any fiscal year to \$30 million per fiscal year.

The bill may decrease the deposit of excess monies into the General Revenue Fund from approximately \$32.5 million per year to \$5 million per year.<sup>21</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 945.215 of the Florida Statutes.

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

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<sup>21</sup> *Supra* note 11.

**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.

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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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