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 520

INTRODUCER: Senator Bradley

SUBJECT: State-Operated Institutions Inmate Welfare Trust Fund

DATE: January 30, 2024 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Atchley	Harkness	ACJ	**Favorable**
2.	Atchley	Sadberry	AP	**Favorable**

I. Summary:

SB 520 recreates the State-Operated Institutions Inmate Welfare Trust Fund (Trust Fund) in the Department of Corrections, provided that it is enacted by three-fifths of the membership of both houses of the Legislature.

Article III, Section 19(f) of the Florida Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision requires that a trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating or re-creating that trust fund. The State-Operated Institutions Inmate Welfare Trust Fund, FLAIR number 20-2-523, was created in the Florida Department of Corrections (FDC) effective July 1, 2020, and is scheduled to terminate on July 1, 2024.

The bill is effective upon becoming a law.

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.[1] Certain proceeds from specified revenue streams or donations related to inmates in the FDC were deposited into the Trust Fund; however, such deposits could not exceed a total of $2.5 million in any fiscal year. Any funds collected in excess of $2.5 million were to be deposited into the General Revenue Fund.

[1] Ch. 2020-97, Laws of Fla.

In 2023, the Legislature amended s. 945.215, F.S., to increase the maximum amount of funds deposited into the State-Operated Institutions Inmate Welfare Trust Fund from $2.5 million to $32 million.[2]

Funds from the following sources must be deposited into the Trust Fund, if deposits do not exceed $32 million in any fiscal year:

- Proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities.[3]
- Proceeds from contracted telephone commissions.[4]
- Any funds that may be assigned by inmates or donated to the FDC by the general public or an inmate service organization.[5]
- 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.[6]
- Copayments made by inmates for nonemergency visits to a health care provider.[7]
  - 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;[8]
- Any proceeds obtained through the collection of damages.[9]
  - Upon conviction, a convicted offender is liable to the state and its local subdivisions for damages and losses for incarceration and other correctional costs;[10]
- Cost of incarceration liens.[11]
  - 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.[12]

Funds in the Trust Fund may only be used for costs to operate specified programming at correctional facilities operated by the FDC, such costs include:

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[2] Ch. 2023-239, Laws of Fla.
[3] 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.
[4] Section 945.215(1)(b), F.S.
[5] Section 945.215(1)(c), F.S. However, the DOC may not accept any donation from, or on behalf of, any individual inmate.
[6] Section 945.215(1)(d), F.S.
[7] Section 945.6037, F.S.
[8] *Id*.
[9] Section 960.293(2), F.S.
[10] 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.
[11] Section 960.292(2), F.S.
[12] *Id*.

- 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;
- Inmate 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;
- 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.; and
- Fixed capital outlay for educational facilities at correctional institutions. [13]

Trust Fund monies may only be expended pursuant to a legislative appropriation.[14] As required by the Florida Constitution, the Trust Fund will terminate on July 1, 2024, unless terminated sooner or recreated.[15] The Legislature must review the Trust Fund before its scheduled termination.

III. Effect of Proposed Changes:

The bill re-creates the State-Operated Institutions Inmate Welfare Trust Fund without modification and repeals the scheduled termination of the trust fund.

The bill is effective upon becoming a law.

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:

Article III, s. 19(f) of the Florida Constitution requires all newly created trust funds to terminate not more than four years after the initial creation of the fund. In addition, the

[13] Section 945.215(2)(c), F.S.
[14] Section 945.215(2)(d), F.S.
[15] FLA. CONST. art. III, s. 19(f).

State Constitution requires a newly created or re-created trust fund to be adopted by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating or recreating the fund. The bill re-creates a trust fund; thus, it requires a three-fifths vote for final passage.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have a fiscal impact on state agencies, local governments, or the private sector.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 944.73, Florida Statutes.

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.