

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 83 Trust Funds/Re-creation/State-Operated Institutions Inmate Welfare Trust Fund/DOC

**SPONSOR(S):** Lopez, V. and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 520

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**FINAL HOUSE FLOOR ACTION:** 114 Y's      0 N's            **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 83 passed the House on February 8, 2024, and subsequently passed the Senate on February 8, 2024.

The bill re-creates the State-Operated Institutions Inmate Welfare Trust Fund within the Florida Department of Corrections (FDC).

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 FDC effective July 1, 2020, and is scheduled to terminate on July 1, 2024.

The bill has no fiscal impact.

The bill was approved by the Governor on March 22, 2024, ch. 2024-26, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Present Situation**

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 recreating that trust fund. The State-Operated Institutions Inmate Welfare Trust Fund was created in the Florida Department of Corrections (FDC), effective July 1, 2020, by chapter 2020-97, Laws of Florida, in s. 944.73, F.S., and is scheduled to terminate on July 1, 2024.

The trust fund is used to provide for the benefit and welfare of inmates in state-operated correctional institutions, to include fixed capital outlay for educational facilities, environmental wellness upgrades to facilities, and maintenance and repairs that could improve environmental conditions.

Moneys credited to the trust fund consist of proceeds from:

- Contracted telephone commissions;
- Operation of inmate canteens;
- Vending machines used primarily by inmates and visitors;
- Hobby shops and other such facilities;
- Funds that may be assigned by inmates or donated to the FDC by the general public or an inmate service organization;
- Collection of damages pursuant to s. 960.293(2), F.S.;
- Cost of incarceration liens pursuant to s. 960.292(2), F.S.;
- Copayments made by inmates for nonemergency visits to a healthcare provider;
- 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.

Total projected receipts into the Trust Fund for Fiscal Year 2024-25 are \$31,841,035. The Fiscal Year 2023-24 appropriation from the Trust Fund is \$31,923,805.

#### **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.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It re-creates, without modification, an existing state trust fund and continues the current use of the fund.