

Presently, no formal agreement exists to coordinate the efforts of the Department of Corrections and the Division of Workers' Compensation (of the Department of Labor and Employment Security) to determine whether incoming inmates are receiving workers' compensation benefits.

Federal and state law require that inmates employed in institutional Prison Industry Enhancement programs are entitled to workers' compensation benefits for injuries sustained in the course of employment in the program, notwithstanding the provisions of s.440.15(9), F.S.

Definition of an Inmate

The term "inmate" is not defined in s. 440.15(9), F.S., or in any other section of ch. 440, F.S. However, it is defined in other sections of statute. In those contexts, "inmate" generally refers to persons committed to the custody of the Department of Corrections (DOC) [see, for example, s. 945.42(6), F.S.]. This definition appears to exclude persons detained in county jails as a result of being charged with or convicted of a felony, or misdemeanor, who are defined in s. 951.23, F.S., as "county prisoners."

Public Assistance Programs

In general, eligibility for public assistance is determined by federal law. Federal regulations require that individuals receiving public assistance report changes in conditions that could affect eligibility. Federal law and regulations require states to establish a performance reporting system to monitor public assistance programs, including a quality control review process to help ensure that benefits are issued only to qualifying households and individuals and that the benefit amounts and payments are correct. State agencies are responsible for imposing penalties for violations of program requirements and for recovering overpayments.

Work and Gain Economic Self-sufficiency (WAGES) Program. Chapter 414, F.S., establishes the WAGES program which provides short-term cash assistance and services to families in need. Under the WAGES Act, adult recipients are required to work or engage in work activities as a condition of receiving benefits.

Food Stamp Benefits. The Florida Department of Children and Families Services administers the federal food stamp program. The program is primarily designed to increase the food purchasing power of eligible low-income households to a point where they can buy a nutritionally adequate low cost diet. Benefits are available to nearly all households that meet federal eligibility tests for limited monthly income and liquid assets, as long as certain household members fulfill work registration and, when imposed, employment and training program requirements.

Medicaid Benefits. Medicaid is the state and federal partnership that provide health coverage for selected categories of people with low incomes. Its stated purpose is to improve the health of people who might otherwise go without medical care. The Agency for Health Care Administration develops and carries out policies related to the Medicaid program. The Department of Children and Families Services, Economic Self Sufficiency Services Office determines Medicaid recipient eligibility.

Stop Inmate Fraud Program

Florida currently has no state laws that specifically prohibit the participation of inmates in public assistance programs like WAGES, Food Stamps, or Medicaid. However, under the Stop Inmate Fraud Program, the Division of Public Assistance Fraud of the Office of the Auditor General must establish procedures for sharing public records among social services agencies regarding the identities of persons incarcerated in state correctional institutions, or local government facilities, who are wrongfully receiving public assistance benefits or entitlement benefits. Currently, the Division of Public Assistance Fraud conducts monthly data base searches of inmate populations and furnishes a list of "hits" to the Department of Children and Families Services to determine whether inmates are receiving public assistance benefits.

In addition, federal regulations and program policies generally prohibit inmates from receiving benefits under federally funded public assistance programs. See, e.g., 42 CFR chapter IV, s. 435.1008 and s. 435.1009, 42 U.S.C. 1382(e).

III. Effect of Proposed Changes:

Section 1. Amends subsection (9) of s. 440.15, F.S., relating to compensability for disability, to prohibit the payment of workers' compensation benefits to dependents of an inmate and redirects such compensation to be made payable to the state.

Section 2. Terminates all public benefits provided to a person in Florida immediately upon the person becoming an inmate in any prison or other correctional institution. However, this section does not apply to private companies that are required to provide workers' compensation insurance for inmates employed in work release programs, under s. 946.006(4), F.S.

Section 3. Provides that the act will take effect on July 1, 1998.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Division of Workers' Compensation (of the Department of Labor and Employment Security), the number of injured workers/inmates and dependents impacted and benefits that would accrue to the state are indeterminate.

According to the Division of Risk Management (of the Department of Insurance), a review was conducted to ascertain the number of injured state workers receiving benefits who were also residing in public institutions. Only one such case was found. On average, the division is managing a caseload of 1,000 employees.

If an inmate is prevented from receiving public assistance, the costs to the state for operating public assistance programs may experience a decline.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear as to whether requiring that the workers' compensation benefits be "payable to the state," would require depositing the monies into the General Revenue Fund.

It is unclear what "public benefits," referenced in section 2 of the bill, include or exclude.

The term "inmate" is not defined in chapter 440, F.S.

It is unclear as to whether the term "public institution" would include private correctional facilities.

VIII. Amendments:

#1 by Banking and Insurance:

The amendment deletes all of the provisions of the bill and requires the state to seek reimbursement from workers' compensation carriers for an inmate's medical treatment rendered while incarcerated, which is related to an injury that was incurred prior to the inmate's incarceration. The amendment exempts workers' compensation benefits provided in conjunction with the institutional Prison Industry Enhancement work programs from the reimbursement requirements.

The amendment also creates specific requirements that temporary cash assistance and other WAGES services, food stamp benefits, and Medicaid services be terminated for any person who becomes an inmate in a correctional institution. (WITH TITLE AMENDMENT)

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
