

STORAGE NAME: h0483a.cja.doc
DATE: January 24, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
ANALYSIS**

BILL #: HB 483
RELATING TO: Inmate Welfare Trust Fund
SPONSOR(S): Representative(s) Stansel

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME PREVENTION, CORRECTIONS & SAFETY YEAS 7 NAYS 0
- (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 9 NAYS 0
- (3) COUNCIL FOR HEALTHY COMMUNITIES
- (4)
- (5)

I. SUMMARY:

House Bill 483 makes various changes to s. 945.215, F.S., which regulates the use of funds from the Inmate Welfare Trust Fund. The bill specifically prohibits the purchasing of weight training equipment with the use of funds from the Inmate Welfare Trust Fund, and the bill also removes the restriction against the purchasing of audiovisual and electronic equipment.

The bill's sponsor offered a strike-everything amendment that made several clarifying changes. The amendment, which was adopted unanimously, is traveling with the bill and is explained in the amendment section of this analysis.

The bill has an effective date of July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Inmate Welfare Trust Fund

Section 945.21502(1), F.S., creates the Inmate Welfare Trust Fund (IWTF) within the Department of Corrections. Monies of the trust fund held by the department are for the benefit and welfare of the inmates incarcerated in correctional facilities operated by the department.

Revenues and Expenditures of the Trust Fund

The IWTF consists primarily of revenues generated from correctional institution canteen sales and commissions paid to the department by contracted telephone companies providing collect calling services to inmates. In fiscal year 2000-2001, the IWTF revenues equaled approximately \$52.7 million, of which canteen sales accounted for approximately \$36 million and telephone commissions accounted for approximately \$15 million. The total expenditures for the fund during FY 00-01 equaled approximately \$57.8 million.

The Legislature is responsible for annually appropriating the funds deposited in the IWTF. Section 945.215(1)(g) requires the Department of Corrections to compile a report documenting the receipts and expenditures of the trust fund on a yearly basis.

How MTF Monies Can Be Spent

Section 945.215(1)(b), F.S., details how the trust fund monies can be spent. The following is a breakdown of allowable uses:

- for the operation of inmate canteens and vending machines
- to employ personnel to manage and supervise the proceeds from telephone commissions
- to develop, implement, and maintain the medical co-payment accounting system
- to provide literacy programs, vocational training programs, and educational programs
- to operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, libraries, and law libraries
- to provide for expenses associated with various inmate clubs
- to provide for expenses associated with legal services for inmates
- to provide inmate substance abuse treatment programs and transition and life skills training programs

Section 945.215(1)(d), F.S., prohibits funds from the IWTF to be spent on any of the following items:

- cable television service
- video cassette recorders (VCRs) (neither purchase nor rental)
- video cassette tapes (neither purchase nor rental)
- other audiovisual or electronic equipment¹

The above restrictions currently prohibit the purchase of televisions (to be used for recreational purposes) with the use of Inmate Welfare Trust Funds. However, many correctional officers feel that televisions are good “management” tools that help to keep inmates occupied and prevent inmate idleness.

C. EFFECT OF PROPOSED CHANGES:

HB 483 expressly prohibits the purchase of weight training equipment with Inmate Welfare Trust Fund monies.

The bill also removes the restriction from purchasing “audiovisual or electronic equipment” with IWTF monies. However, the bill does not add such equipment to the list of items that may be purchased with Inmate Welfare Trust Funds.² It is therefore unclear whether the removal of the restriction will offer the department discretion in purchasing such audiovisual and electronic equipment with the use of funds from the IWTF. A strike-all amendment is expected to be offered to address this issue.

The bill also allows for the purchase of “wellness equipment,” as long as such equipment is to be used for training or educational purposes. The bill does not define what constitutes wellness equipment. (Please see the Comment Section for an explanation of the term wellness equipment.)

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹ However, the statute does not preclude the purchase or rental of electronic or audiovisual equipment to be used for inmate training or educational programs.

² Please see page 2 for the list of allowable uses for funds from the Inmate Welfare Trust Fund

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

While there are no costs associated with this bill or its traveling amendment, it should be noted that without the amendment, the "audiovisual or electronic equipment" purchasing restriction is removed without expressly adding such equipment to the list of acceptable items for purchase with these trust fund monies. The Department of Corrections believes this equipment is a good management tool and using trust fund dollars for its purchase should be encouraged.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The bill does not define the term "wellness equipment." Although the term is not defined in statute, the department has offered the following explanation:

Wellness equipment includes those items necessary to implement the six dimensions of the Wellness Program, which are spiritual, physical, intellectual, emotional, social, and environmental. The Wellness Program refers to the physical, passive and leisure activities designed to facilitate changes in behavior to improve health and quality of life for the inmate population. Equipment needed to supplement the program includes a variety of materials such as instructional materials, audio visual aids, audiovisual equipment, various athletic/recreational equipment, health pamphlets, blood pressure cuffs, body composition analyzers, cardiovascular endurance equipment, and strength testers.³

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The bill's sponsor offered a strike-everything amendment during the Crime Prevention, Corrections & Safety Committee meeting on January 8, 2002. The amendment, which was adopted unanimously, made several clarifying changes and is currently traveling with the bill.

In the original bill, the restriction against the purchasing of audiovisual and electronic equipment with the use of monies from the Inmate Welfare Trust Fund was lifted, but specific authority to purchase such equipment (which is the intent of the bill) was not provided. There was a concern among staff that unless authorization was given for the expenditure of such funds to purchase audiovisual and electronic equipment, then the department would still be unable to access the IWTF monies in such a manner. The amendment gives clear authority for the expenditure of IWTF monies.

The amendment also clarifies that monies from the IWTF can be used to purchase wellness equipment. The term "wellness equipment" is not defined in the amendment. (Please see the Comment Section for the department's description of the program and necessary equipment.)

The amendment still prohibits the purchasing of weight training equipment with money from the IWTF (which was part of the original bill), and the amendment also clarifies that money from the trust fund cannot be used to purchase cable television service, VCRs, video tapes or other similar equipment purely for recreational purposes.

VII. SIGNATURES:

COMMITTEE ON CRIME PREVENTION, CORRECTIONS & SAFETY:

Prepared by:

Staff Director:

Melinda Granlund

Trina Kramer

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

Staff Director:

Gregory M. Davis

James P. DeBeaugrine

³ This definition is not verbatim from the department's description because the description/definition offered by DOC was 5 paragraphs long. Committee staff condensed the definition to make it shorter and easier to understand.

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