

**STORAGE NAME:** h0483s1.hcc.doc  
**DATE:** February 26, 2002

**HOUSE OF REPRESENTATIVES**  
**COUNCIL FOR HEALTHY COMMUNITIES**  
**ANALYSIS**

**BILL #:** CS/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 YEAS 16 NAYS 0  
(4)  
(5)

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I. SUMMARY:

Council substitute for HB 483 makes various changes to s. 945.215, F.S., which regulates the use of funds from the Inmate Welfare Trust Fund (IWTF). The council substitute allows for the purchase, rental, maintenance, and repair of wellness, audiovisual, and electronic equipment with monies from the IWTF, unless specifically prohibited by law. The council substitute expressly prohibits the purchase of weight training equipment with IWTF monies, and it also clarifies that money from the trust fund cannot be used to purchase cable television service, VCRs, video tapes or other similar equipment for recreational purposes.

The council substitute will have no fiscal impact.

The council substitute has an effective date of July 1, 2002.

**Note:** The bill was made a council substitute by the Council for Healthy Communities on February 26, 2002. This analysis addresses the issues of the council substitute.

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 IWTF 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 equipment<sup>1</sup>

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:**

The council substitute allows for the purchase, rental, maintenance, and repair of wellness equipment, audiovisual equipment, and electronic equipment with monies from the IWTF, unless specifically prohibited by law.<sup>2</sup> This allowance is achieved by removing the current “restriction” language on audiovisual and electronic equipment, and also by adding such equipment (wellness, audiovisual, and electronic) to the list of acceptable items and services which may be purchased with the use of IWTF monies.

The council substitute expressly prohibits the purchase of weight training equipment with IWTF monies. The council substitute also clarifies that money from the trust fund cannot be used to purchase cable television service, VCRs, video tapes or other similar equipment for recreational purposes.

**D. SECTION-BY-SECTION ANALYSIS:**

Please see Section C, “Effect Of Proposed Changes.”

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

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

<sup>2</sup> The council substitute does not define what constitutes wellness equipment. Please see the Comment Section for an explanation of the term wellness equipment.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department of Corrections believes that audiovisual and electronic equipment are good management tools, and using trust fund dollars for their purchase should be encouraged.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This council substitute 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 council substitute 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 council substitute 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.<sup>3</sup>

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

The bill's sponsor offered a strike-everything amendment, which made several clarifying changes, at the Crime Prevention, Corrections & Safety Committee meeting on January 8, 2002. The amendment, which was adopted unanimously, traveled with the bill to the Council for Healthy Communities, where it was incorporated into a council substitute by the Council on February 26, 2002.

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 was 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 council substitute gives clear authority for the expenditure of IWTF monies.

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

The council substitute still prohibits the purchasing of weight training equipment with money from the IWTF (which was part of the original bill), and the council substitute 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:

Melinda Granlund

Staff Director:

Trina Kramer

**AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:**

Prepared by:

Gregory M. Davis

Staff Director:

James P. DeBeaugrine

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<sup>3</sup> 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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AS FURTHER REVISED BY THE COUNCIL FOR HEALTHY COMMUNITIES:

Prepared by:

Council Director:

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Melinda Granlund

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David DeLaPaz