

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 560

SPONSOR: Criminal Justice Committee and Senator Futch

SUBJECT: Inmate Welfare Trust Fund

DATE: January 11, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The CS amends s. 945.215, F.S., to add the purchase, rental, maintenance and repair of wellness equipment to the list of expenditures that are authorized from the Inmate Welfare Trust Fund. However, purchase of weight training equipment is prohibited regardless of the fund source or use. Purchase, rental, maintenance and repair of audiovisual and electronic equipment would also be authorized, with a specific prohibition against purchase or rental of such equipment or related media used primarily for recreation purposes. Purchase of cable television service for inmate training or education would no longer be specifically prohibited.

This CS substantially amends the following section of the Florida Statutes: 945.215.

II. Present Situation:

The Inmate Welfare Trust Fund was created by the Legislature in 1979 and funded primarily by proceeds from the operation of canteens, vending machines, hobby shops, and inmate bank accounts. The Legislature authorized the department to use the trust fund for the benefit, education, and general welfare of inmates in correctional institutions. Section 945.215, F.S., specifically provided that the trust fund could be used for necessary expenses in connection with recreational facilities and similar facilities or programs. Accordingly, the department used a portion of the trust fund to rent videocassettes and to purchase televisions, videocassette recorders, cable television service, and other recreational equipment.

In 1979 the Inmate Welfare Trust Fund was relatively small and not subject to annual review and/or appropriation by the Legislature. However, the department experienced tremendous growth between 1979 and the early 1990s, and revenues received from telephone commissions

were added to the amounts deposited in the trust fund. By Fiscal Year 1992-93, Inmate Welfare Trust Fund revenues totaled \$29,615,489.

In 1994, the Legislature amended s. 945.215, F.S., to require annual appropriation of the Inmate Welfare Trust Fund and to narrow the purposes for which trust fund proceeds could be used. The authorized purposes do not include purchase of equipment or services for recreational purposes. Furthermore, the statute specifically prohibits the purchase or rental of videocassettes, videocassette recorders, or other audio-visual or electronic equipment used primarily for recreation purposes from the Inmate Welfare Trust Fund or any other fund. In accordance with the statutory restriction, the department no longer purchases recreational equipment (such as basketballs or weights) or audio-visual equipment for recreational purposes. The department now relies upon gifts or donations to obtain such equipment.

The department considers exercise and activity programs to be a component of its security program because inmates with unstructured time are a threat to the safety and security of an institution. Once an inmate completes his required work or school assignments, and if the inmate has remained free of disciplinary problems, he or she is allowed time for wellness activities. If an inmate has remained free of disciplinary problems for 120 days, these activities may include weightlifting. In a survey conducted in 1998, the department found that approximately half of the general public and half of department staff approved of inmate access to weights. In the same survey, half of the general public and 80 percent of department staff approved of television access by inmates.

III. Effect of Proposed Changes:

The CS amends s. 945.215, F.S., to authorize use of the Inmate Welfare Trust fund to pay for the purchase, rental, maintenance and repair of audiovisual or electronic equipment, unless otherwise prohibited. The amended statute still specifically prohibits the purchase or rental of videocassette recorders and other audiovisual or electronic equipment used primarily for recreational purposes. Repair and maintenance of such equipment would be authorized.

The current specific prohibition against rental or purchase of videocassettes used primarily for recreational purposes is continued. In part, this reflects concern about the cost of obtaining public performance licenses for exhibition of videocassette tapes. The same licensing fees would apply to exhibition of DVD movies, so the CS expands the prohibition to include other media.

The CS clarifies that cable television service for recreational purposes may not be purchased using any fund, but that purchase of cable television service for inmate training or educational programs is not prohibited. There is still no authorization for purchase of cable television service from the Inmate Welfare Trust Fund.

The CS also amends the statute to permit use of the Inmate Welfare Trust Fund to purchase, rent, maintain or repair wellness equipment, unless otherwise prohibited. The purchase of weight training equipment is specifically prohibited regardless of the fund source.

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:

There will be a financial impact of an undetermined amount if the department purchases or repairs electronic equipment that it was previously prohibited from purchasing or repairing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.